

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING CHANGES IN
T-13502, Lake County) POINTS OF APPROPRIATION AND
) CHANGE IN PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

EVANS RANCH LAND, LLC
91106 HORSESHOE LANE
LAKEVIEW, OR 97630

Findings of Fact

1. On August 10, 2020, EVANS RANCH LAND, LLC filed an application to change the points of appropriation and to change the place of use under Certificates 53146, 87093, and 95027. The Department assigned the application number T-13502.
2. Notice of the application for transfer was published on August 11, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 10, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13502 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

4. On April 29, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13502 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 4, 2021, and in the Lake County Examiner newspaper on May 5 and 12, 2021 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The portion of the first right to be transferred is as follows:

Certificate: 53146 in the name of TERRY VANDEVER (perfected under Permit G-7697)
Use: IRRIGATION of 24.8 ACRES
Priority Date: JULY 27, 1977
Rate: 0.31 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that in the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not over exceed the capacity of this well at the time of perfection of this right.
Source: ONE WELL a tributary of MILL CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	30	SE SW	WELL #2 - 1310 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	25	NE SE	24.8

6. Transfer Application T-13502 proposes to move the authorized point of appropriation for Certificate 53146 approximately 1.07 miles (mi.) from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	18 E	WM	36	NW SE	WELL #3 - 45.5 FEET SOUTH AND 2592.8 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 36

7. Transfer Application T-13502 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	36	SW NE	14.92
40 S	18 E	WM	36	SE NE	9.88
TOTAL					24.8

8. The portion of the second right to be transferred is as follows:

Certificate: 87093 in the name of EVERETT J. AND DOROTHY L. BECRAFT (perfected under Permit G-3529)

Use: IRRIGATION of 60.66 ACRES

Priority Date: JULY 12, 1967

Rate: 0.63 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH (1/80) of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the MILL CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	18 E	WM	24	SE SE	WELL #1 - 400 FEET NORTH AND 1300 FEET WEST FROM THE SE CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	24	NW SE	6.4
40 S	18 E	WM	24	SW SE	4.97
40 S	18 E	WM	24	SE SE	5.85
40 S	18 E	WM	25	NE NE	6.45
40 S	18 E	WM	25	NW NE	5.67
40 S	18 E	WM	25	SW NE	5.16
40 S	18 E	WM	25	SE NE	6.11
40 S	18 E	WM	25	NE NW	20.05
TOTAL					60.66

9. Transfer Application T-13502 proposes to move the authorized point of appropriation for Certificate 87093 approximately 1.06 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	18 E	WM	36	NW SE	WELL #3 - 45.5 FEET SOUTH AND 2592.8 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 36

10. Transfer Application T-13502 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	36	NE NE	20.26
40 S	18 E	WM	36	NW NE	21.17
40 S	18 E	WM	36	SW NE	14.96
40 S	18 E	WM	36	SE NE	4.27
TOTAL					60.66

11. The portion of the third right to be transferred is as follows:

Certificate: 95027 in the name of BOBBY R. AND BILLIE L. EVANS (perfected under Permit G-3529)

Use: IRRIGATION of 14.76 ACRES

Priority Date: JULY 12, 1967

Rate: 0.15 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: A WELL in the MILL CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	18 E	WM	24	SE SE	WELL #1 - 400 FEET NORTH AND 1300 FEET WEST FROM THE SE CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	24	SE SW	11.33
40 S	18 E	WM	25	NE NW	3.43
TOTAL					14.76

12. Transfer Application T-13502 proposes to move the authorized point of appropriation for Certificate 95027 approximately 1.06 miles (mi.) from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	18 E	WM	36	NW SE	WELL #3 - 45.5 FEET SOUTH AND 2592.8 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 36

13. Transfer Application T-13502 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	36	SE NE	14.76

Transfer Review Criteria (OAR 690-380-4010)

- 14. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13502.
- 16. The proposed changes would not result in enlargement of the rights.
- 17. The proposed changes would not result in injury to other water rights.
- 18. All other application requirements are met.

Determination and Proposed Action

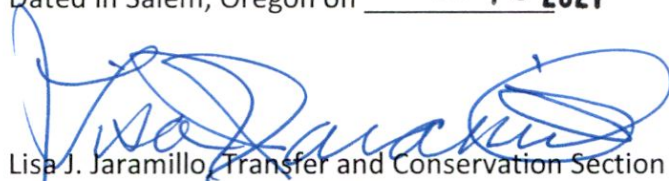
The changes in points of appropriation and change in places of use proposed in Transfer Application T-13502 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The changes in points of appropriation and changes in places of use proposed in Transfer Application T-13502 are approved.
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 53146, 87093, and 95027, and any related decree.
- 3. Water right Certificates 53146, 87093, and 95027 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
- 4. The quantity of water diverted at the new point of appropriation for Certificate 53146, (Well #3), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well #2).
- 5. The quantity of water diverted at the new point of appropriation for Certificate 87093, (Well #3), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well #1).

6. The quantity of water diverted at the new point of appropriation for Certificate 95027, (Well #3), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well #1).
7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
9. The former places of use of the transferred rights shall no longer receive water under the rights.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **JUN 15 2021**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **JUN 16 2021**