

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-13654, Umatilla County)	CHANGES IN PLACE OF USE AND
)	ADDITIONAL POINTS OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

CASTLE ROCK FARMING, LLC
GREG HARRIS, FARM MANAGER
75906 THREEMILE ROAD
BOARDMAN, OR 97818

Findings of Fact

1. On March 22, 2021, CASTLE ROCK FARMING, LLC, GREG HARRIS, FARM MANAGER filed an application to temporarily change the place of use and for additional points of appropriation to serve the proposed places of use under Certificates 76263 and 79993 for a period of 1 year. The Department assigned the application number T-13654.
2. Notice of the application for transfer was published on March 30, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The first right to be transferred is as follows:
Certificate: 76263 in the name of J. R. SIMPLOT COMPANY (perfected under Permit G-5812)
Use: IRRIGATION of 226.1 ACRES
Priority Date: JUNE 12, 1972
Rate: 2.83 CUBIC FEET PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

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 a diversion of 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 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ONE WELL in the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	34	NW SE	SPARKS WELL - 1300 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF THE NWSE OF SECTION 34

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	34	SW NE	30.0
3 N	28 E	WM	34	SE NE	24.4
3 N	28 E	WM	34	NW NW	11.3
3 N	28 E	WM	34	SW NW	31.5
3 N	28 E	WM	34	SE NW	10.0
3 N	28 E	WM	34	NE SW	8.0
3 N	28 E	WM	34	NW SW	30.1
3 N	28 E	WM	34	SW SW	2.4
3 N	28 E	WM	34	NE SE	33.6
3 N	28 E	WM	34	NW SE	38.0
3 N	28 E	WM	34	SW SE	4.2
3 N	28 E	WM	34	SE SE	2.6
Total					226.1

4. Temporary Transfer Application T-13654 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	SW NE	29.8
2 N	28 E	WM	4	SE NE	29.9
2 N	28 E	WM	4	NE NW	33.9
2 N	28 E	WM	4	NW NW	32.9
2 N	28 E	WM	4	SW NW	28.0
2 N	28 E	WM	4	SE NW	28.0
3 N	28 E	WM	33	SW SW	0.1
3 N	28 E	WM	33	SE SW	0.1
4 N	29 E	WM	20	NE SW	0.2
4 N	29 E	WM	20	NW SW	33.2
4 N	29 E	WM	20	SW SW	10.0
Total					226.1

5. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13654 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)
3 N	28 E	WM	23	NW NW	L&L WELL #3 - 60 FEET SOUTH AND 280 FEET EAST FROM THE NW CORNER OF SECTION 23	2.5 mi.
3 N	28 E	WM	23	SW SE	L&L WELL #1 - 960 FEET NORTH AND 30 FEET EAST FROM THE S1/4 CORNER OF SECTION 23	1.9 mi.
3 N	28 E	WM	26	NW NE	L&L WELL #2 - 930 FEET SOUTH FROM THE N1/4 CORNER OF SECTION 26	1.5 mi.
4 N	29 E	WM	20	SW SE	MILLS N WELL - 1050 FEET NORTH AND 50 FEET EAST FROM THE S1/4 CORNER OF SECTION 20	8.6 mi.

6. The second right to be transferred is as follows:

Certificate: 79993 in the name of J. R. SIMPLOT COMPANY (perfected under Permit G-5812)

Use: IRRIGATION of 15.5 ACRES

Priority Date: JUNE 12, 1972

Rate: 0.19 CUBIC FOOT PER SECOND FROM SPARKS WELL FOR IRRIGATION (IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION – SPARKS WELL)

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 a diversion of 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 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: SPARKS WELL in the UMATILLA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	34	NW SE	SPARKS WELL - 1300 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF THE NWSE OF SECTION 34

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	34	NW NW	0.1
3 N	28 E	WM	34	SW NW	7.9
3 N	28 E	WM	34	SE NW	0.2
3 N	28 E	WM	34	NW SW	7.3
Total					15.5

7. Temporary Transfer Application T-13654 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	NE NE	15.5

8. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13654 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)
3 N	28 E	WM	23	NW NW	L&L WELL #3 - 60 FEET SOUTH AND 280 FEET EAST FROM THE NW CORNER OF SECTION 23	2.5 mi.
3 N	28 E	WM	23	SW SE	L&L WELL #1 - 960 FEET NORTH AND 30 FEET EAST FROM THE S1/4 CORNER OF SECTION 23	1.9 mi.
3 N	28 E	WM	26	NW NE	L&L WELL #2 - 930 FEET SOUTH FROM THE N1/4 CORNER OF SECTION 26	1.5 mi.

9. Temporary Transfer Application T-13654 proposes to temporarily transfer water rights within the boundaries of Teel Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.

Temporary Transfer Review Criteria

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.

12. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
13. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law


The temporary changes in place of use and additional points of appropriation to serve the temporary places of use proposed in Temporary Transfer Application T-13654 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use additional points of appropriation to serve the temporary places of use proposed in Temporary Transfer Application T-13654 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2021 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season. The authorization to use the temporary points of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 76263 and 79993 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 76263 and 79993.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

8. 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.
 - 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.

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**