

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING CHANGES IN  
T-13896, Lake County                            )     POINTS OF APPROPRIATION AND 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**

JAMES A. AND JESSE R. WARKENTIN  
PO BOX 52  
CHRISTMAS VALLEY, OR 97641

**Findings of Fact**

1. On January 19, 2022, JAMES A. AND JESSE R. WARKENTIN filed an application to change the points of appropriation and to change the places of use under Certificates 81514 and 87757. The Department assigned the application number T-13896.
2. Notice of the application for transfer was published on January 25, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 25, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13896 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of May 25, 2022, for the applicants to respond.

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.

4. On April 27, 2022, the agent for the applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. The agent for the applicants requested a completion date five years out, to allow time to develop the remaining well, pipeline, and pivot.
5. On July 14, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13896 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on July 19, 2022, and in the Lake County Examiner newspaper on July 20 and 27, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the first right to be transferred is as follows:

**Certificate:** 81514 in the name of GOLDEN RULE FARMS INC. (perfected under Permit G-6320)

**Use:** IRRIGATION of 5.0 ACRES

**Priority Date:** FEBRUARY 20, 1975

**Rate:** 0.06 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 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL in the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	22	SE SW	(WELL #4) - 1300 FEET NORTH AND 1310 FEET WEST FROM THE S1/4 CORNER OF SECTION 22

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	22	NE SW	1.2
27 S	17 E	WM	22	NW SW	1.3
27 S	17 E	WM	22	SW SW	1.3
27 S	17 E	WM	22	SE SW	1.2
TOTAL					5.0

7. Transfer Application T-13896 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
26 S	18 E	WM	7	NE SE	WELL #2 – 340 FEET SOUTH AND 1280 FEET WEST FROM THE E1/4 CORNER OF SECTION 7	8.89 mi.
26 S	18 E	WM	7	NE SE	WELL #3 – 610 FEET SOUTH AND 880 FEET WEST FROM THE E1/4 CORNER OF SECTION 7	8.91 mi.
26 S	18 E	WM	8	NW SW	WELL #1 - 1380 FEET NORTH AND 1270 FEET EAST FROM THE SW CORNER OF SECTION 8	8.92 mi.

8. Transfer Application T-13896 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	7	NE SE	5.0

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

**Certificate:** 87757 in the name of GOLDEN RULE FARMS (perfected under Permit G-8888)

**Use:** IRRIGATION of 5.0 ACRES

**Priority Date:** JULY 10, 1980

**Rate:** 0.063 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 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	21	SW SE	80 FEET NORTH AND 40 FEET EAST FROM THE S1/4 CORNER OF SECTION 21



**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	21	NE SE	1.3
27 S	17 E	WM	21	NW SE	1.3
27 S	17 E	WM	21	SW SE	1.2
27 S	17 E	WM	21	SE SE	1.2
TOTAL					5.0

10. Transfer Application T-13896 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
26 S	18 E	WM	7	NE SE	WELL #2 – 340 FEET SOUTH AND 1280 FEET WEST FROM THE E1/4 CORNER OF SECTION 7	9.51 mi.
26 S	18 E	WM	7	NE SE	WELL #3 – 610 FEET SOUTH AND 880 FEET WEST FROM THE E1/4 CORNER OF SECTION 7	9.39 mi.
26 S	18 E	WM	8	NW SW	WELL #1 - 1380 FEET NORTH AND 1270 FEET EAST FROM THE SW CORNER OF SECTION 8	9.45 mi.

11. Transfer Application T-13896 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	7	NE SE	5.0

**Transfer Review Criteria (OAR 690-380-4010)**

12. 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.
13. 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-13896.
14. The proposed change, as conditioned, would not result in enlargement of the rights.
15. The proposed change would not result in injury to other water rights.
16. All other application requirements are met.

## Conclusions of Law

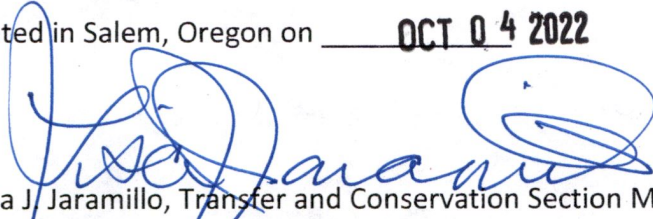
The changes in points of appropriation and changes in places of use proposed in Transfer Application T-13896 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The changes in points of appropriation and changes in places of use proposed in Transfer Application T-13896 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 81514, 87757, and any related decree.
3. Water right Certificates 81514 and 87757 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. Under Certificate 81514, the quantity of water diverted at the new points of appropriation (Well #1, Well #2, and Well #3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #5).
5. Under Certificate 87757, the quantity of water diverted at the new points of appropriation (Well #1, Well #2, and Well #3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #5).
6. 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.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. 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.

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on OCT 04 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: OCT 05 2022