BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13688, Marion County)	TEMPORARY CHANGE IN PLACE OF
)	USE

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

BLUE SKY FARMS C/O CAM BUCK 21333 FRENCH PRAIRIE RD NE ST PAUL, OR 97137

Findings of Fact

- 1. On May 5, 2021, BLUE SKY FARM C/O CAM BUCK filed an application to temporarily change the place of use and under Certificate 95641 for a period of 5 years. The Department assigned the application number T-13688.
- 2. Notice of the application for transfer was published on May 11, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. The portion of the right to be transferred is as follows:

Certificate: 95641 in the name of BLUE SKY FARM, CAM BUCK (perfected under

Permit G-13770)

Use: NURSERY OPERATIONS on 138.7 ACRES

Priority Date: DECEMBER 17, 1998

1.78 CUBIC FEET PER SECOND Rate:

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 NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

A WELL in CHAMPOEG CREEK BASIN Source:

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	0-0	DLC	Measured Distances
TWP	Ring	TVICI	500	V-V	DEC	1308 FEET NORTH AND 444 FEET WEST
5 S	2 W	WM	10	NE NW	81	FROM THE SE CORNER OF DLC 81

Authorized Place of Use:

		NURS	ERY O	PERATIONS	S	
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	2 W	WM	3	SW SW	81	10.8
5 S	2 W	WM	3	SE SW	81	10.5
5 S	2 W	WM	4	SE SW	81	4.8
5 S	2 W	WM	4	SW SE	81	11.4
5 S	2 W	WM	4	SE SE	81	11.1
5 S	2 W	WM	9	NE NE	81	18.2
5 S	2 W	WM	9	NW NE	81	15.2
5 S	2 W	WM	9	NE NW	81	6.3
5 S	2 W	WM	10	NW NE	81	5.4
5 S	2 W	WM	10	NE NW	81	23.7
5 S	2 W	WM	10	NW NW	81	21.3
					Total	138.7

4. Temporary Transfer Application T-13688 proposes to temporarily change the place of use of the right to:

		NURS	ERY O	PERATIONS	S	
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	2 W	WM	9	NE NE	81	21.7
5 S	2 W	WM	9	NW NE	81	24.6
5 S	2 W	WM	9	SW NE	81	3.2
5 S	2 W	WM	9	SE NE	81	9.2
5 S	2 W	WM	9	NE NW	81	5.2
5 S	2 W	WM	10	NW NE	81	2.5
5 S	2 W	WM	10	SW NE	81	3.1
5 S	2 W	WM	10	NE NW	81	15.3

		NURS	ERY O	PERATIONS	S	
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	2 W	WM	10	NW NW	81	18.4
5 S	2 W	WM	10	SW NW	81	14.9
5 S	2 W	WM	10	SE NW	81	20.6
					Total	138.7

Temporary Transfer Review Criteria

- 5. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 7. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- 8. The proposed change 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 change in place of use proposed in Temporary Transfer Application T-13688 is 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 proposed in Temporary Transfer Application T-13688 is approved.
- 2. The former place of use **shall not** be irrigated as part of these water rights during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season.
- 4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
- 5. A subsequent application for permanent transfer of Certificate 95641 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 Certificate 95641.
- 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. The use of the remaining water right described by Certificate 95641 shall continue to be in accordance with the terms and conditions of Certificate 95641.

Dated in Salem, Oregon on

JUN 3 0 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

THOMAS M BYLER, DIRECTOR Oregon Water Resources Department

Mailing Date:

JUN 3 0 2021

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