

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10613, Lake County) CHANGE IN PLACE OF USE

Authority

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. AR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

70 RANCH INC.
HC 60 BOX 640
LAKEVIEW OR 97630

Findings of Fact

1. On April 28, 2008, 70 Ranch Inc. filed an application to temporarily change the place of use under Certificate 55094 for a period of five years. The Department assigned the application number T-10613.

2. The portion of the right to be transferred is as follows:
Certificate: 55094 in the name of 70 RANCH INC. (perfected under Permit G-7433)
Use: IRRIGATION of 24.7 ACRES
Priority Date: APRIL 15, 1977
Rate: 0.31 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: A WELL (Lake 2007), in the Summer Lake Drainage Basin
Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Lot	Survey Coordinates
38 S	20 E	WM	18	NW SW	3	2550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 18.

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.

3. Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Lot	Acres
38 S	19 E	WM	13	NE SE		3.0
38 S	20 E	WM	18	NE NW		6.7
38 S	20 E	WM	18	NW NW	1	4.9
38 S	20 E	WM	18	SW NW	2	3.2
38 S	20 E	WM	18	SE NW		4.4
38 S	20 E	WM	18	NE SW		1.0
38 S	20 E	WM	18	NW SW	3	1.5
TOTAL:						24.7

4. Application T-10613 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	19 E	WM	13	NE SE	0.3
38 S	19 E	WM	13	NW SE	24.4
TOTAL:					24.7

5. Notice of the application for temporary transfer was published on May 6, 2008 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice
6. Water has been used within the last five years according to the terms and conditions of the right. No evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change will 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusion of Law


The temporary change in place of use proposed in application T-10613 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-10613 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2008, 2009, 2010, 2011 and 2012 irrigation seasons.

3. The use shall revert to the authorized place of use at the end of the 2012 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 55094 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 55094 and any related decree.
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. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. The use of the remaining water right described by Certificate 55094 shall continue to be in accordance with the terms and conditions of Certificate 55094.

Dated at Salem, Oregon this 27th day of May 2008.


Phillip C. Ward, Director

Mailing Date MAY 30 2008