

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

In the Matter of Transfer Application) FINAL ORDER
T-12493, Lake County) APPROVING A CHANGE IN POINT
) OF APPROPRIATION

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

PERRY AND LOIS PARMELEE
90397 HWY 140
LAKEVIEW, OR 97630
parmranch@gmail.com

Findings of Fact

1. On September 26, 2016, PERRY AND LOIS PARMELEE filed an application to change the point of appropriation under Certificate 87310. The Department assigned the application number T-12493.
2. Notice of the application for transfer was published on October 4, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 17, 2017, the applicant submitted an amended transfer map.
4. On February 9, 2017, the Department sent a copy of the Draft Preliminary Determination proposing to approve Transfer Application T-12493 to the applicants. The Draft Preliminary Determination cover letter set forth a deadline of March 9, 2017, for the applicants to respond. 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 (or amended the application or did not respond by the deadline).

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.

5. On April 4, 2017, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12493 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 April 11, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the right to be transferred is as follows:

Certificate: 87310 in the name of PERRY PARMELEE (perfected under Permit G-13739)
Use: IRRIGATION OF 160.88 ACRES
Priority Date: OCTOBER 17, 1994
Rate: 2.01 CUBIC FEET 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, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL within the COTTONWOOD CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	19 E	WM	22	SE NW	1317 FEET SOUTH AND 1993 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	19 E	WM	22	NW NE	6.80
39 S	19 E	WM	22	SW NE	22.60
39 S	19 E	WM	22	NE NW	5.90
39 S	19 E	WM	22	SW NW	7.90
39 S	19 E	WM	22	SE NW	32.50
39 S	19 E	WM	22	NE SW	31.00
39 S	19 E	WM	22	NW SW	38.80
39 S	19 E	WM	22	SW SW	0.03
39 S	19 E	WM	22	SE SW	0.85
39 S	19 E	WM	22	NW SE	14.00
39 S	19 E	WM	22	SW SE	0.50
Total					160.88

7. Transfer Application T-12493 proposes to move the authorized point of appropriation approximately 10 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	19 E	WM	22	SE NW	1327 FEET SOUTH AND 1997 FEET EAST FROM THE NW CORNER OF SECTION 22

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12493.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law


The change in point of appropriation proposed in Transfer Application T-12493 is 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 change in point of appropriation proposed in Transfer Application T-12493 is 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 Certificate 87310 and any related decree.
3. Water right Certificate 87310 is cancelled.
4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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 new point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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 change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 18 day of May, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

MAY 26 2017

Mailing date: _____