



**Priority Date:** FEBRUARY 17, 1987

**Rate:** 2.59 CUBIC FEET PER SECOND (CFS), BEING 1.43 CFS FROM WELL NO. 1 AND 1.16 CFS FROM WELL NO. 2

**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:** THREE WELLS, tributary to BUCK CREEK BASIN (tributary to LOST RIVER BASIN)

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO. 1 (ORIGINAL)- 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SW SE	WELL NO. 2 - 850 FEET NORTH AND 530 FEET EAST FROM THE S1/4 CORNER OF SECTION 22
37 S	11.5 E	WM	22	SE NW	WELL NO. 3 - 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
Well 1 & 3					
37 S	11.5 E	WM	15	NW SW	0.2
37 S	11.5 E	WM	15	SW SW	5.1
37 S	11.5 E	WM	16	SW NE	12.3
37 S	11.5 E	WM	16	SE NE	1.3
37 S	11.5 E	WM	16	SE NW	0.1
37 S	11.5 E	WM	16	NE SW	5.6
37 S	11.5 E	WM	16	NE SE	25.3
37 S	11.5 E	WM	16	NW SE	39.8
37 S	11.5 E	WM	16	SW SE	9.2
37 S	11.5 E	WM	16	SE SE	9.6
37 S	11.5 E	WM	22	SW NW	0.5
37 S	11.5 E	WM	22	SE NW	2.4
37 S	11.5 E	WM	22	NW SW	2.2
Well 2 & 3					
37 S	11.5 E	WM	22	NW SW	1.0
37 S	11.5 E	WM	22	SW SW	3.3
37 S	11.5 E	WM	22	SE SW	7.0
37 S	11.5 E	WM	22	NW SE	0.3
37 S	11.5 E	WM	22	SW SE	23.6
37 S	11.5 E	WM	22	SE SE	8.5
37 S	11.5 E	WM	26	NW NW	0.9
37 S	11.5 E	WM	26	SW NW	14.8
37 S	11.5 E	WM	26	NW SW	9.3
37 S	11.5 E	WM	27	NE NE	6.2
37 S	11.5 E	WM	27	NW NE	7.3
37 S	11.5 E	WM	27	SE NE	10.0
37 S	11.5 E	WM	27	NE NW	0.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	27	NE SE	0.1
				Total	206.6

5. Transfer Application T-12762 proposes to use all three wells on all lands.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO. 1 - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SW SE	WELL NO. 2 - 850 FEET NORTH AND 530 FEET EAST FROM S1/4 THE CORNER OF SECTION 22
37 S	11.5 E	WM	22	SE NW	WELL NO. 3 - 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

6. Transfer Application T-12762 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	16	SW NE	14.9
37 S	11.5 E	WM	16	SE NE	0.6
37 S	11.5 E	WM	16	SE NW	1.0
37 S	11.5 E	WM	16	NE SW	8.6
37 S	11.5 E	WM	16	SE SW	0.2
37 S	11.5 E	WM	16	NE SE	10.8
37 S	11.5 E	WM	16	NW SE	40.0
37 S	11.5 E	WM	16	SW SE	6.0
37 S	11.5 E	WM	22	SW NE	3.0
37 S	11.5 E	WM	22	NE NW	0.5
37 S	11.5 E	WM	22	SW NW	0.5
37 S	11.5 E	WM	22	SE NW	22.3
37 S	11.5 E	WM	22	NE SW	4.5
37 S	11.5 E	WM	22	NW SW	5.5
37 S	11.5 E	WM	22	NW SE	18.5
37 S	11.5 E	WM	22	SW SE	10.6
37 S	11.5 E	WM	22	SE SE	9.0
37 S	11.5 E	WM	26	NW NW	1.5
37 S	11.5 E	WM	26	SW NW	17.3
37 S	11.5 E	WM	26	NW SW	9.5
37 S	11.5 E	WM	27	NE NE	6.4
37 S	11.5 E	WM	27	NW NE	6.5
37 S	11.5 E	WM	27	SE NE	8.9
				Total	206.6

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

**Certificate:** 87991 in the name of RLF KLAMATH PROPERTIES, LLC (perfected under Permit G-1790)  
**Use:** IRRIGATION of 199.4 ACRES  
**Priority Date:** MARCH 8, 1961  
**Rate:** 2.49 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 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:** THREE WELLS, tributary to BUCK CREEK BASIN (LOST RIVER BASIN)

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO.1 (ORIGINAL) - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SE NW	WELL NO.2 - 850 FEET NORTH AND 530 FEET EAST FROM THE S1/4 CORNER OF SECTION 22
37 S	11.5 E	WM	22	SW SE	WELL NO.3 - 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	15	SW SW	17.4
37 S	11.5 E	WM	15	SE SW	0.1
37 S	11.5 E	WM	16	NE SE	0.3
37 S	11.5 E	WM	16	SE SE	3.6
37 S	11.5 E	WM	22	SW NE	13.6
37 S	11.5 E	WM	22	NE NW	17.2
37 S	11.5 E	WM	22	NW NW	22.8
37 S	11.5 E	WM	22	SW NW	1.1
37 S	11.5 E	WM	22	SE NW	28.4
37 S	11.5 E	WM	22	NE SW	40.0
37 S	11.5 E	WM	22	NW SW	7.6
37 S	11.5 E	WM	22	SE SW	13.2
37 S	11.5 E	WM	22	NE SE	0.3
37 S	11.5 E	WM	22	NW SE	32.8
37 S	11.5 E	WM	22	SW SE	1.0
Total					199.4

8. Transfer Application T-12762 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	15	NW SW	0.2
37 S	11.5 E	WM	15	SW SW	17.8
37 S	11.5 E	WM	16	NE SE	1.2
37 S	11.5 E	WM	16	SE SE	33.8
37 S	11.5 E	WM	21	NE NE	11.7
37 S	11.5 E	WM	21	SE NE	0.3
37 S	11.5 E	WM	22	NE NW	10.9
37 S	11.5 E	WM	22	NW NW	40.0
37 S	11.5 E	WM	22	SW NW	13.4
37 S	11.5 E	WM	22	SE NW	1.8
37 S	11.5 E	WM	22	NE SW	33.1
37 S	11.5 E	WM	22	NW SW	3.7
37 S	11.5 E	WM	22	SW SW	1.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	22	SE SW	18.4
37 S	11.5 E	WM	22	NW SE	2.7
37 S	11.5 E	WM	22	SW SE	7.6
37 S	11.5 E	WM	27	NW NE	0.5
37 S	11.5 E	WM	27	NE NW	0.5
				Total	199.4

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

9. Water has been used within the last five years. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. 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-12762.
11. The proposed changes would not result in enlargement of the rights.
12. The proposed changes would not result in injury to other water rights.
13. All other application requirements are met.

**Determination and Proposed Action**

The change in points of appropriation and change in places of use proposed in Transfer Application T-12762 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12762 is approved, the final order will include the following:*

1. *The change in points of appropriation and change in places of use proposed in Transfer Application T-12762 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 87990 and 87991 and any related decree.*
3. *Water right Certificates 87990 and 87991 are cancelled.*
4. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points 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 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
7. *The former places of use of the transferred rights shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**MAR 19 2020**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 19, 2020

**Applicant**

VALE RANCHES LLC  
1606 AMARAL CT  
FAIRFIELD, CA 94534

SUBJECT: Water Right Transfer Application T-12762

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12762. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please contact me at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: T-12762  
Danette M. Watson, District 17 Watermaster (via e-mail)  
Lori Graves, Agent for the applicant (via e-mail)

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