

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12583, Lake County)	PROPOSING APPROVAL FOR AN
)	ADDITIONAL POINT OF
)	APPROPRIATION, CHANGES IN
)	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

JRS PROPERTIES III LP
PO BOX 27
BOISE, ID 83707

Findings of Fact

1. On January 31, 2017, JRS PROPERTIES III LP, filed an application to change the points of appropriation and to change the places of use under Certificates 34169, 34170, 34171, 50751, 50755, 50757, 50760, 50917, 50918, 65758, and 65759. The Department assigned the application number T-12583.
2. Notice of the application for transfer was published on February 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 15, 2020, the Department contacted the applicant by written correspondence to notify the applicant of deficiencies in the application. Table 2 under Certificate 65759 needed to be more clearly defined regarding the acres proposed for changing place of use, as the rate authorized is well specific. The Department requested that the deficiencies be resolved by March 2, 2020.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
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4. On January 17, 2020, the applicant submitted a revised Table 1 and Table 2 for Certificate 65759 and added a request for an additional point of appropriation, resolving the deficiencies.
5. On February 10, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12583 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2020, for the applicant to respond. The applicant's agent identified a discrepancy in the acres proposed for transfer from Well #11 and Well #12 under Certificate 65759.
6. On February 11, 2020, the applicant's agent submitted a revised Table 2 for Certificate 65759, further clarifying the acres proposed for transfer from Well #11 and Well #12. The applicant 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.

7. The portion of the first right to be transferred is as follows:

Certificate: 34169 in the name of WEST SACRAMENTO ENTERPRISES, INC.
(perfected under Permit G-662)

Use: IRRIGATION of 7.0 ACRES

Priority Date: OCTOBER 1, 1957

Rate: 0.09 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL NO. 4 a tributary of ANA RIVER (SUMMER LAKE)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	32	NE NW	VIEWPOINT WELL NO. 4 - 20 FEET SOUTH AND 2580 FEET EAST FROM THE NW CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	29	SW SW	1.0
27 S	19 E	WM	29	SE SW	3.5
27 S	19 E	WM	29	SW SE	2.3
27 S	19 E	WM	29	SE SE	0.2
Total					7.0

8. Transfer Application T-12583 proposes to move the authorized point of appropriation approximately 1.1 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

9. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	0.7
27 S	19 E	WM	28	SW NE	1.5
27 S	19 E	WM	28	NE NW	1.5
27 S	19 E	WM	28	NW NW	0.1
27 S	19 E	WM	28	SW NW	1.3
27 S	19 E	WM	28	NE SW	1.4
27 S	19 E	WM	28	NW SE	0.5
Total					7.0

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

Certificate: 34170 in the name of WEST SACRAMENTO ENTERPRISES, INC.
(perfected under Permit G-676)

Use: IRRIGATION of 8.4 ACRES

Priority Date: OCTOBER 1, 1957

Rate: 0.105 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL NO. 4 a tributary of ANA RIVER (SUMMER LAKE)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	32	NE NW	VIEWPOINT WELL NO. 4 - 20 FEET SOUTH AND 2580 FEET EAST FROM THE NW CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	32	NE NE	0.3
27 S	19 E	WM	32	NW NE	3.0
27 S	19 E	WM	32	NE NW	4.4
27 S	19 E	WM	32	NW NW	0.7
Total					8.4

11. Transfer Application T-12583 proposes to move the authorized point of appropriation approximately 1.1 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

12. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	0.9
27 S	19 E	WM	28	SW NE	1.7
27 S	19 E	WM	28	NE NW	1.7
27 S	19 E	WM	28	NW NW	0.2
27 S	19 E	WM	28	SW NW	1.5
27 S	19 E	WM	28	NE SW	1.6
27 S	19 E	WM	28	NW SW	0.1
27 S	19 E	WM	28	NW SE	0.7
Total					8.4

13. The portion of the third right to be transferred is as follows:

Certificate: 34171 in the name of WEST SACRAMENTO ENTERPRISES, INC.
(perfected under Permit G-696)

Use: IRRIGATION of 11.0 ACRES

Priority Date: AUGUST 14, 1957

Rate: 0.137 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL NO. 3 a tributary of ANA RIVER (SUMMER LAKE)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	29	SE NW	VIEWPOINT WELL NO. 3 - 2660 FEET NORTH AND 2110 FEET EAST FROM THE SW CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	29	SE NW	11.0

14. Transfer Application T-12583 proposes to move the authorized point of appropriation approximately 1.0 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

15. Transfer Application T-12583 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	0.8
27 S	19 E	WM	28	SW NE	2.7
27 S	19 E	WM	28	NE NW	2.4
27 S	19 E	WM	28	SW NW	1.4
27 S	19 E	WM	28	SE NW	1.1
27 S	19 E	WM	28	NE SW	2.1
27 S	19 E	WM	28	NW SE	0.5
Total					11.0

16. The portion of the fourth right to be transferred is as follows:

Certificate: 50751 in the name of ALDER CREEK RANCHES, INC. (perfected under Permit G-5754)

Use: IRRIGATION of 8.2 ACRES

Priority Date: APRIL 9, 1973

Rate: 0.10 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL 3 a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	29	SE NW	VIEWPOINT WELL 3 - 2610 SOUTH AND 2080 FEET EAST FROM THE NW CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	29	NE NE	0.2
27 S	19 E	WM	29	NW NE	1.3
27 S	19 E	WM	29	SE NE	4.0
27 S	19 E	WM	29	NE SE	2.5
27 S	19 E	WM	29	NW SE	0.2
Total					8.2

17. Transfer Application T-12583 proposes to move the authorized point of appropriation approximately 1.0 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

18. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	1.0
27 S	19 E	WM	28	SW NE	1.3
27 S	19 E	WM	28	NE NW	1.3
27 S	19 E	WM	28	NW NW	0.7
27 S	19 E	WM	28	SW NW	1.3
27 S	19 E	WM	28	NE SW	1.2
27 S	19 E	WM	28	NW SW	0.5
27 S	19 E	WM	28	NW SE	0.9
Total					8.2

19. The portion of the fifth right to be transferred is as follows:

Certificate: 50755 in the name of ALDER CREEK RANCHES, INC. (perfected under Permit G-8120)

Use: IRRIGATION of 4.2 ACRES

Priority Date: APRIL 4, 1978

Rate: 0.05 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL 3 a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	29	SE NW	VIEWPOINT WELL 3 - 2610 FEET SOUTH AND 2080 FEET EAST FROM THE NW CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	29	NW NE	1.90
27 S	19 E	WM	29	NE NW	0.80
27 S	19 E	WM	30	SE NE	1.50
Total					4.2

20. Transfer Application T-12583 proposes to move the authorized point of appropriation approximately 1.0 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

21. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	0.6
27 S	19 E	WM	28	SW NE	0.6
27 S	19 E	WM	28	NE NW	0.7
27 S	19 E	WM	28	NW NW	0.3
27 S	19 E	WM	28	SW NW	0.6
27 S	19 E	WM	28	NE SW	0.6
27 S	19 E	WM	28	NW SW	0.3
27 S	19 E	WM	28	NW SE	0.5
Total					4.2

22. The portion of the sixth right to be transferred is as follows:

Certificate: 50757 in the name of ALDER CREEK RANCHES, INC. (perfected under Permit G-8122)

Use: IRRIGATION of 27.8 ACRES

Priority Date: APRIL 4, 1978

Rate: 0.347 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL 2 a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	19	SW SE	VIEWPOINT WELL 2 - 320 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	19	NE SW	1.2
27 S	19 E	WM	19	SE SW	1.5
27 S	19 E	WM	19	NE SE	0.6
27 S	19 E	WM	19	NW SE	3.0
27 S	19 E	WM	20	SW SW	2.4
27 S	19 E	WM	29	NW NW	1.2
27 S	19 E	WM	30	NW NE	0.2
27 S	19 E	WM	30	SE NE	3.8
27 S	19 E	WM	30	NE NW	13.9
Total					27.8

23. Transfer Application T-12583 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximated distance from the original point of appropriation in miles (mi.)
27 S	19 E	WM	20	SW NW	WELL #8 - 1860 FEET SOUTH AND 240 FEET EAST FROM NW CORNER OF SECTION 20	0.8 mi.
27 S	19 E	WM	20	SE SW	WELL #6A - 240 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 20	0.8 mi.
27 S	19 E	WM	20	SE SE	WELL #7 - 120 FEET NORTH AND 350 FEET WEST FROM THE SE CORNER OF SECTION 20	1.4 mi.

24. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POA
27 S	19 E	WM	19	NE NE	1.8	#8
27 S	19 E	WM	19	NW NE	0.2	#8
27 S	19 E	WM	19	SW NE	1.4	#8
27 S	19 E	WM	19	SE NE	0.2	#8
27 S	19 E	WM	19	NE SE	1.9	#8
27 S	19 E	WM	20	NE NW	1.0	#8
27 S	19 E	WM	20	NW NW	1.6	#8
27 S	19 E	WM	20	SE NW	1.8	#8
27 S	19 E	WM	20	NE SW	1.7	#6A AND #8
27 S	19 E	WM	20	NW SW	2.4	#6A AND #8
27 S	19 E	WM	20	SW SW	1.1	#6A
27 S	19 E	WM	20	NE SE	1.1	#7
27 S	19 E	WM	20	NW SE	0.4	#6A AND #7
27 S	19 E	WM	20	SW SE	2.1	#6A AND #7
27 S	19 E	WM	21	NW SW	0.7	#7
27 S	19 E	WM	21	SW SW	1.3	#7
27 S	19 E	WM	28	NW NW	1.5	#7
27 S	19 E	WM	28	SW NW	0.1	#7
27 S	19 E	WM	29	NE NE	0.3	#7
27 S	19 E	WM	29	NW NE	2.1	#6A AND #7
27 S	19 E	WM	29	SE NE	0.5	#7
27 S	19 E	WM	29	NE NW	1.3	#6A
27 S	19 E	WM	29	NW NW	1.3	#6A
Total					27.8	

25. The portion of the seventh right to be transferred is as follows:

- Certificate:** 50760 in the name of ALDER CREEK RANCH (perfected under Permit G-1915)
- Use:** IRRIGATION of 34.6 ACRES
- Priority Date:** AUGUST 3, 1961
- Rate:** 0.43 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, shall be limited to ONE-

EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL 6 a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	19	SW NE	VIEWPOINT WELL 6 - 460 FEET NORTH AND 3380 FEET EAST FROM THE W1/4 CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	19 E	WM	19	NW NE		4.2
27 S	19 E	WM	19	SW NE		7.0
27 S	19 E	WM	19	NE NW		0.1
27 S	19 E	WM	19	SW NW	2	2.3
27 S	19 E	WM	19	NE SW		9.2
27 S	19 E	WM	19	NW SW	3	5.8
27 S	19 E	WM	19	NW SE		6.0
Total						34.6

26. Transfer Application T-12583 proposes to move the authorized point of appropriation approximately 2.0 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

27. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
27 S	19 E	WM	28	NW NE	4.2	
27 S	19 E	WM	28	SW NE	6.1	
27 S	19 E	WM	28	NE NW	6.0	
27 S	19 E	WM	28	NW NW	1.9	
27 S	19 E	WM	28	SW NW	5.9	
27 S	19 E	WM	28	NE SW	6.0	
27 S	19 E	WM	28	NW SW	1.0	
27 S	19 E	WM	28	NW SE	3.5	
Total					34.6	

28. The portion of the eighth right to be transferred is as follows:

Certificate: 50917 in the name of ALDER CREEK RANCH (perfected under Permit G-697)

Use: IRRIGATION of 77.4 ACRES

Priority Date: AUGUST 14, 1957

Rate: 0.970 CUBIC FOOT PER SECOND, BEING 0.485 CFS FROM WELL 2, 0.155 CFS FROM WELL 1, AND 0.330 CFS FROM WELL 3

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELLS 1, 2, AND 3 a tributary of ANA RIVER

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	18	SW SW	VIEWPOINT WELL 1 - 3260 FEET NORTH AND 80 FEET EAST FROM THE W1/4 CORNER OF SECTION 19
27 S	19 E	WM	19	SW SE	VIEWPOINT WELL 2 - 2320 FEET SOUTH AND 2710 FEET EAST FROM THE W1/4 CORNER OF SECTION 19
27 S	19 E	WM	29	SE NW	VIEWPOINT WELL 3 - 2110 FEET EAST AND 2660 FEET NORTH FROM THE SW CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	18 E	WM	13	NE SE		9.3
27 S	18 E	WM	13	SE SE		4.0
27 S	18 E	WM	24	NE NE		10.7
27 S	19 E	WM	19	NW NW	1	8.8
27 S	19 E	WM	19	NW SW	3	0.1
27 S	19 E	WM	19	SE SW		8.2
27 S	19 E	WM	19	NE SE		3.5
27 S	19 E	WM	19	SE SE		1.5
27 S	19 E	WM	29	SW NW		4.4
27 S	19 E	WM	29	NE SW		17.0
27 S	19 E	WM	29	NW SW		2.3
27 S	19 E	WM	29	NW SE		1.4
27 S	19 E	WM	30	NE NE		4.2
27 S	19 E	WM	30	SE NE		1.4
27 S	19 E	WM	30	NE NW		0.6
Total						77.4

29. Transfer Application T-12583 proposes to move the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

30. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	2.0
27 S	19 E	WM	28	SW NE	16.0
27 S	19 E	WM	28	NE NW	10.1
27 S	19 E	WM	28	SW NW	2.4
27 S	19 E	WM	28	SE NW	39.8
27 S	19 E	WM	28	NE SW	6.1

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW SE	1.0
Total					77.4

31. The portion of the ninth right to be transferred is as follows:

Certificate: 50918 in the name of ALDER CREEK RANCH (perfected under Permit G-1997)

Use: IRRIGATION of 13.6 ACRES

Priority Date: NOVEMBER 24, 1961

Rate: 0.14 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: VIEWPOINT WELL 1 a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	19 E	WM	18	SW SW	4	VIEWPOINT WELL 1 - 3260 FEET NORTH AND 80 FEET EAST FROM THE W1/4 CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	19 E	WM	18	NE SW		7.2
27 S	19 E	WM	18	NW SW	3	0.7
27 S	19 E	WM	18	SW SW	4	1.0
27 S	19 E	WM	18	SE SW		3.4
27 S	19 E	WM	18	SW SE		1.3
Total						13.6

32. Transfer Application T-12583 proposes to move the authorized point of appropriation approximately 2.8 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28

33. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	1.6
27 S	19 E	WM	28	SW NE	2.2
27 S	19 E	WM	28	NE NW	2.1
27 S	19 E	WM	28	NW NW	1.0
27 S	19 E	WM	28	SW NW	2.2

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NE SW	2.1
27 S	19 E	WM	28	NW SW	0.8
27 S	19 E	WM	28	NW SE	1.6
Total					13.6

34. The portion of the tenth right to be transferred is as follows:

Certificate: 65758 in the name of ZX RANCH (perfected under Permit G-8988)

Use: IRRIGATION of 12.7 ACRES

Priority Date: JUNE 3, 1980

Rate: 0.16 CUBIC FOOT PER SECOND, BEING 0.01 CFS FROM WELL 6A AND 0.15 CFS FROM WELL 10

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.

Source: 2 WELLS in the FORT ROCK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	19	SW NE	WELL 6A - 2120 FEET SOUTH AND 1910 FEET WEST FROM THE NE CORNER OF SECTION 19
27 S	19 E	WM	20	SE NE	WELL 10 - 1620 FEET SOUTH AND 1070 FEET WEST FROM THE NE CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	17	SW SE	0.8
27 S	19 E	WM	17	SE SE	0.4
27 S	19 E	WM	19	NE NW	1.3
27 S	19 E	WM	19	NW NW	1.6
27 S	19 E	WM	19	SW NW	0.5
27 S	19 E	WM	20	NE NE	0.6
27 S	19 E	WM	20	NW NE	0.4
27 S	19 E	WM	20	NE NW	1.1
27 S	19 E	WM	20	SE NW	1.1
27 S	19 E	WM	20	NE SW	0.7
27 S	19 E	WM	20	NE SE	1.1
27 S	19 E	WM	20	NW SE	1.1
27 S	19 E	WM	21	NW NW	0.8
27 S	19 E	WM	21	SW NW	1.0
27 S	19 E	WM	21	NW SW	0.2
Total					12.7

35. Transfer Application T-12583 proposes to move the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in miles (mi.)	
27 S	19 E	WM	20	SW NW	WELL #8 - 1860 FEET SOUTH AND 240 FEET EAST FROM THE NW CORNER OF SECTION 20	WELL 6A	WELL 10
						0.4 mi.	0.7 mi.
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28	2.0 mi.	1.2 mi.

36. Transfer Application T-12583 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POA
27 S	19 E	WM	19	NE NE	0.9	#8
27 S	19 E	WM	19	NW NE	0.1	#8
27 S	19 E	WM	19	SW NE	0.7	#8
27 S	19 E	WM	19	SE NE	0.1	#8
27 S	19 E	WM	19	NE SE	0.9	#8
27 S	19 E	WM	20	NE NW	0.5	#8
27 S	19 E	WM	20	NW NW	0.8	#8
27 S	19 E	WM	20	SE NW	0.9	#8
27 S	19 E	WM	20	NE SW	0.3	#8
27 S	19 E	WM	20	NW SW	0.9	#8
27 S	19 E	WM	28	NW NE	0.9	#15
27 S	19 E	WM	28	SW NE	1.0	#15
27 S	19 E	WM	28	NE NW	1.0	#15
27 S	19 E	WM	28	NW NW	0.6	#15
27 S	19 E	WM	28	SW NW	1.0	#15
27 S	19 E	WM	28	NE SW	0.9	#15
27 S	19 E	WM	28	NW SW	0.5	#15
27 S	19 E	WM	28	NW SE	0.7	#15
Total					12.7	

37. The portion of the eleventh right to be transferred is as follows:

Certificate: 65759 in the name of ZX RANCH (perfected under Permit G-6051)
Use: IRRIGATION of 181.7 ACRES
Priority Date: MARCH 5, 1974
Rate: 2.27 CUBIC FEET PER SECOND BEING; 0.02 CFS FROM WELL 11 AND 2.25 CFS FROM WELL 12
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.
Source: 2 WELLS in the FORT ROCK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	16	SW SW	WELL 12 - 1080 FEET NORTH AND 570 FEET EAST FROM THE SW CORNER OF SECTION 16
27 S	19 E	WM	21	SE NW	WELL 11 - 1740 FEET SOUTH AND 640 FEET WEST FROM THE N1/4 CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION – WELL 11 POA/POU					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	21	NW NE	0.2
27 S	19 E	WM	21	SW NE	0.3
27 S	19 E	WM	21	NE NW	0.3
27 S	19 E	WM	21	NW NW	0.3
27 S	19 E	WM	21	SW NW	0.2
27 S	19 E	WM	21	NE SW	0.2
27 S	19 E	WM	21	NW SW	0.1
27 S	19 E	WM	21	NW SE	0.1
Total					1.7

IRRIGATION – WELL 12 POA/POU					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	16	NE SW	0.9
27 S	19 E	WM	16	NW SW	0.9
27 S	19 E	WM	16	SE SW	0.9
27 S	19 E	WM	17	NE SE	1.0
27 S	19 E	WM	17	SE SE	0.9
27 S	19 E	WM	20	NE NE	0.4
27 S	19 E	WM	21	NE NW	0.3
27 S	19 E	WM	21	NW NW	0.8
Total					6.1

IRRIGATION – WELL 12 APOA ONLY					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	16	NE SW	12.6
27 S	19 E	WM	16	NW SW	36.9
27 S	19 E	WM	16	SW SW	40.0
27 S	19 E	WM	16	SE SW	20.7
27 S	19 E	WM	17	NE SE	18.5
27 S	19 E	WM	17	SE SE	27.3
27 S	19 E	WM	20	NE NE	3.0
27 S	19 E	WM	21	NE NW	1.4
27 S	19 E	WM	21	NW NW	13.5
Total					173.9

38. Transfer Application T-12583 proposes to move the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in feet (ft.) or miles (mi.)	
27 S	19 E	WM	28	SE NW	WELL #15 - 1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28	WELL 1	WELL 12
						1.0 mi.	1.6 mi.

39. Transfer Application T-12583 proposes an additional point of appropriation to Well 12 approximately 87.0 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	16	SW SW	WELL 12A - 1000 FEET NORTH AND 535 FEET EAST FROM THE SW CORNER OF SECTION 16

40. Transfer Application T-12583 also proposes to change a portion of the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POA
27 S	19 E	WM	28	NW NE	1.0	#15
27 S	19 E	WM	28	SW NE	1.2	#15
27 S	19 E	WM	28	NE NW	1.2	#15
27 S	19 E	WM	28	NW NW	0.7	#15
27 S	19 E	WM	28	SW NW	1.2	#15
27 S	19 E	WM	28	NE SW	1.1	#15
27 S	19 E	WM	28	NW SW	0.5	#15
27 S	19 E	WM	28	NW SE	0.9	#15
Total					7.8	

Transfer Review Criteria (OAR 690-380-4010)

41. 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.
42. 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-12583.
43. The proposed change would not result in enlargement of the rights.
44. The proposed change would not result in injury to other water rights.
45. All other application requirements are met.

Determination and Proposed Action

The changes in points of appropriation and changes in places of use proposed in Transfer Application T-12583 appear 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-12583 is approved, the final order will include the following:

- 1. The changes in points of appropriation and changes in places of use proposed in Transfer Application T-12583 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 34169, 34170, 34171, 50751, 50755, 50757, 50760, 50917, 50918, 65758, and 65759 and any related decree.*
- 3. Water right Certificates 34169, 34170, 34171, 50751, 50755, 50757, 50760, 50917, 50918, 65758, and 65759 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. The quantity of water, authorized under the rights described by Certificates 34169 and 34170, diverted at the new point of appropriation (Well #15), shall not exceed the quantity of water lawfully available at the original point of appropriation (Viewpoint Well No. 4).*
- 5. The quantity of water, authorized under the rights described by Certificates 34171, 50751, and 50755 diverted at the new point of appropriation (Well #15), shall not exceed the quantity of water lawfully available at the original point of appropriation (Viewpoint Well No. 3).*
- 6. The quantity of water, authorized under the right described by Certificate 50757 diverted at the new points of appropriation (Wells #6A, #7, and #8), shall not exceed the quantity of water lawfully available at the original point of appropriation (Viewpoint Well 2).*
- 7. The quantity of water, authorized under the right described by Certificate 50760 diverted at the new point of appropriation (Well #15), shall not exceed the quantity of water lawfully available at the original point of appropriation (Viewpoint Well 6).*
- 8. The quantity of water, authorized under the right described by Certificate 50917 diverted at the new point of appropriation (Well #15), shall not exceed the quantity of water lawfully available at the original points of appropriation (Viewpoint Wells 1, 2, and 3).*
- 9. The quantity of water, authorized under the right described by Certificate 50918 diverted at the new point of appropriation (Well #15), shall not exceed the quantity of water lawfully available at the original point of appropriation (Viewpoint Well 1).*

10. *The quantity of water, authorized under the right described by Certificate 65758 diverted at the new points of appropriation (Well #8 and Well #15), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 6A and 10).*
11. *The quantity of water, authorized under the right described by Certificate 65759 diverted at the new additional point of appropriation (Well 12A), together with that diverted at the original point of appropriation (Well 12), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 12).*
12. *The quantity of water, authorized under the right described by Certificate 65759 diverted at the new point of appropriation (Well #15), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 11 and 12).*
13. *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 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.*
14. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
15. *The former places of use of the transferred rights shall no longer receive water under the rights.*
16. *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.*

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

Dated in Salem, Oregon on MAY 28 2020



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

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

May 28, 2020

JRS PROPERTIES III LP
PO BOX 27
BOISE, ID 83707

SUBJECT: Water Right Transfer Application T-12583

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12583. 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 and in the Lake County Examiner newspaper, 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 last date of newspaper publication.

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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-12583
Brian M. Mayer, District 12 Watermaster (*via e-mail*)
Scott Montgomery, Agent for the applicant (*via e-mail*)

encs