



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
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Salem, OR 97301  
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February 25 2021

VIA E-MAIL

BUCKLEY CHURCH  
PO BOX 751  
CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-13122

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13122. 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.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.SMITH@oregon.gov if I may be of assistance.

Sincerely,

Joan Smith  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application T-13122  
Brian M. Mayer, District 12 Watermaster (via e-mail)  
Scott D. Montgomery, Agent for the applicant (via e-mail)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13122, Lake County	)	PROPOSING APPROVAL OF
	)	CHANGES IN POINTS OF
	)	APPROPRIATION, ADDITIONAL
	)	POINTS OF APPROPRIATION AND
	)	CHANGES IN 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**

BUCKLEY CHURCH  
CHURCH FAMILY FARMS INC.  
CHURCH HAY FARMS INC.  
PO BOX 751  
CHRISTMAS VALLEY, OR 97641

**Findings of Fact**

1. On February 11, 2019, BUCKLEY CHURCH / CHURCH FAMILY FARMS, INC. AND CHURCH HAY FARMS, INC. filed an application to change the points of appropriation for Certificates 52784, 67903, 88719, and 86164, additional points of appropriation for Certificate 52784, and to change the places of use under Certificates 52784, 67903, 76942, 88719, and 86164. The Department assigned the application number T-13122.
2. Notice of the application for transfer was published on February 19, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 23, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13122 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of August 25, 2020, for the applicant to respond. 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.

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

**Certificate:** 52784 in the name of JOE OXENFORD, JR. (perfected under Permit G-8199)

**Use:** IRRIGATION of 56.5 ACRES

**Priority Date:** APRIL 27, 1978

**Rate:** 0.71 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:** A WELL a tributary of FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	32	NE SW	POA #1-1320 FEET NORTH AND 2640 FEET EAST FROM THE SW CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	32	NE SW	6.7
27 S	17 E	WM	32	SE SW	6.2
27 S	17 E	WM	32	NE SE	22.5
27 S	17 E	WM	32	NW SE	5.3
27 S	17 E	WM	32	SW SE	10.3
27 S	17 E	WM	32	SE SE	5.5
TOTAL					56.5

5. Transfer Application T-13122 proposes to move the authorized point of appropriation approximately 6.3 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	21	SE NW	POA #4- 1990 FEET SOUTH AND 3280 FEET WEST FROM THE NE CORNER OF SECTION 21

6. Transfer Application T-13122 proposes additional points of appropriation with approximate distances from the authorized point of appropriation in miles as described below to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the authorized point of appropriation
27 S	16 E	WM	25	SW SW	POA #4 - 1315 FEET NORTH AND 1315 FEET EAST FROM THE SW CORNER OF SECTION 25	2.4 miles
27 S	16 E	WM	25	NE SE	POA # 5 - 800 FEET SOUTH AND 10 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 25	1.8 mile

7. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	25	SE SW	31.4
27 S	16 E	WM	25	SW SE	22.3
28 S	16 E	WM	21	SW NW	2.5
28 S	16 E	WM	21	SE NW	0.3
TOTAL					56.5

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

**Certificate:** 67903 in the name of ZANE D. CHURCH (perfected under Permit G-8432)

**Use:** IRRIGATION of 23.2 ACRES

**Priority Date:** DECEMBER 27, 1978

**Rate:** 0.29 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:** A WELL within the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	15	SW NW	WELL #5 - 2650 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER OF SECTION 15

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	15	SW NW	7.6
28 S	16 E	WM	15	SE NW	8.4
28 S	16 E	WM	15	NE SW	7.2
TOTAL					23.2

9. Transfer Application T-13122 proposes to move the authorized point of appropriation approximately 13 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31

10. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	NE NE	5.8
26 S	18 E	WM	31	NW NE	5.9
26 S	18 E	WM	31	SW NE	5.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	SE NE	5.7
TOTAL					23.2

11. The third right to be transferred is as follows:

**Certificate:** 76942 in the name of MARVIN C MORSE (perfected under Permit G-9018)  
**Use:** IRRIGATION of 64.7 ACRES  
**Priority Date:** AUGUST 7, 1980  
**Rate:** 0.81 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, is 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL in the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	NE NE	32.1
26 S	18 E	WM	31	NW NE	32.6
TOTAL					64.7

12. Transfer Application T-13122 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	NE NE	16.1
26 S	18 E	WM	31	NW NE	16.4
26 S	18 E	WM	31	SW NE	16.2
26 S	18 E	WM	31	SE NE	16.0
TOTAL					64.7

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

**Certificate:** 86164 in the name of ZANE D. CHURCH (perfected under Permit G-10718)  
**Use:** IRRIGATION of 85.6 ACRES  
**Priority Date:** JANUARY 22, 1987  
**Rate:** 1.072 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:** A WELL in the Goose and Summer Lake Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	1	SE NW	POA # 8 - 1850 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 1

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
28 S	16 E	WM	1	NE NE	1	1.4
28 S	16 E	WM	1	NW NE	2	7.2
28 S	16 E	WM	1	SW NE		2.6
28 S	16 E	WM	1	SE NE		3.5
28 S	16 E	WM	1	NE NW	3	7.3
28 S	16 E	WM	1	NW NW	4	15.4
28 S	16 E	WM	1	SW NW		38.8
28 S	16 E	WM	1	SE NW		9.4
TOTAL						85.6

14. Transfer Application T-13122 proposes to move the authorized point of appropriation with approximate distances from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
27 S	17 E	WM	25	NE SE	WELL 5 - 800 FEET SOUTH AND 10 FEET WEST FROM THE NW CORNER OF SECTION 1	8.6 miles
28 S	16 E	WM	21	SE NW	WELL 4 - 1990 FEET SOUTH AND 3280 FEET WEST FROM THE NE CORNER OF SECTION 21	4.2 miles
28 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31	8.5 miles

15. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	18 E	WM	31	NE NE		8.0
26 S	18 E	WM	31	NW NE		8.0
26 S	18 E	WM	31	SW NE		8.0
26 S	18 E	WM	31	SE NE		7.9
27 S	17 E	WM	30	NE SW		4.2
27 S	17 E	WM	30	NW SW	3	3.9
27 S	17 E	WM	30	SW SW	4	3.4
27 S	17 E	WM	30	SE SW		4.4
28 S	16 E	WM	1	NW SE		15.7

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
28 S	16 E	WM	21	SW NW		19.7
28 S	16 E	WM	21	SE NW		2.4
TOTAL						85.6

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

**Certificate:** 88719 in the name of BUCKLEY D. AND KATHRYN CHURCH  
(perfected under Permit G-10043)

**Use:** IRRIGATION of 3.3 ACRES

**Priority Date:** MARCH 22, 1983

**Rate:** 0.04 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, 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:** A WELL within the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	29	SW SW	WELL B - 1290 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 29

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	29	SW SE	3.30

17. Transfer Application T-13122 proposes to move the authorized point of appropriation approximately 1000 feet from existing point of appropriation (WELL B) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31

18. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
26 S	18 E	WM	31	NE NE	0.8	
26 S	18 E	WM	31	NW NE	0.9	
26 S	18 E	WM	31	SW NE	0.8	
26 S	18 E	WM	31	SE NE	0.8	
TOTAL						3.3

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

19. 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-13122.
20. The proposed changes as conditioned would not result in enlargement of the rights.
21. The proposed changes as conditioned would not result in injury to other water rights.
22. All other application requirements are met.

**Determination and Proposed Action**

The change in points of appropriation, additional points of appropriation and change in places of use proposed in Transfer Application T-13122 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-13122 is approved, the final order will include the following:*

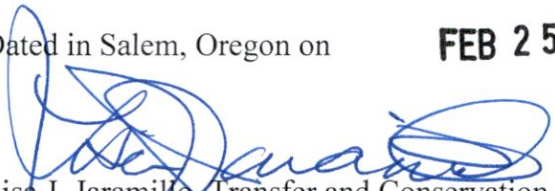
1. *The change in points of appropriation, additional points of appropriation, and change in places of use proposed in Transfer Application T-13122 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 52784, 67903, 76942, 88719, 86164, and any related decree.*
3. *Water Right Certificate 76942 is cancelled.*
4. *Water right Certificates 52784, 67903, 88719, and 86164 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
5. *The quantity of water diverted at the new points of appropriation (Wells 4, 5, and A), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 5, 8, and WELL B).*
6. *The quantity of water diverted at the additional points of appropriation (Wells 4, 5, and A), together with that diverted at the original points of appropriation (Wells 1 and 8), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1 and 8).*
7. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
8. *The former places of use of the transferred rights shall no longer receive water under the rights.*



9. *Water use measurement conditions:*
- a. *Before water use may begin under this order, the water user shall install an instantaneous and totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).*
  - b. *The water user shall maintain the meters or measuring device(s) in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring device(s); provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.*
11. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

**FEB 25 2021**

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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@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.*

**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.