

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13202, Harney County	)	PROPOSING APPROVAL FOR
	)	ADDITIONAL POINTS 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

ATTN: JON WARREN
JUNIPER BASIN RANCH, LLC
PO BOX 491942
REDDING, CA 96049

Findings of Fact

1. On June 6, 2019, ATTN: JON WARREN, JUNIPER BASIN RANCH, LLC filed an application for additional points of appropriation under Certificates 94108 and 94197. The Department assigned the application number T-13202.
2. Notice of the application for transfer was published on June 18, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 24, 2020, the Department contacted the applicant's agent by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. Table 2 and the Land Use Information form did not identify tax lot 3600, where a portion of the place of use is located. The Department requested that the deficiency be resolved by August 24, 2020.
4. On August 5, 2020, the applicant's agent submitted a revised Table 2 and Land Use Information form, resolving the deficiency.

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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5. On August 20, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13202 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 21, 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.

6. The first right to be transferred is as follows:

Certificate: 94108 in the name of JUNIPER BASIN RANCH LLC (perfected under Permit G-16975)

Use: IRRIGATION of 240.0 ACRES

Priority Date: JANUARY 25, 2008

Rate: 3.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 1.69 CFS FROM WELL 1 (HARN 51409) AND 1.33 CFS FROM WELL 2 (HARN 51783), A MAXIMUM CUMULATIVE TOTAL FROM ALL WELLS NOT TO EXCEED 3.0 CFS

Limit/Duty: The amount of water used for irrigation under this right, 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 and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: TWO WELLS (HARN 51409 AND HARN 51783) in SAGE HEN CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	31 E	WM	18	SW SE	WELL 2 (HARN 51783) - 660 FEET NORTH AND 2935 FEET EAST FROM THE SW CORNER OF SECTION 18
25 S	31 E	WM	19	NW NE	WELL 1 (HARN 51409) - 830 FEET SOUTH AND 3033 FEET EAST FROM THE NW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	18	NE SW		14.1
25 S	31 E	WM	18	SE SW		36.0
25 S	31 E	WM	18	NW SE		0.8
25 S	31 E	WM	18	SW SE		29.6
25 S	31 E	WM	18	SE SE		26.9
25 S	31 E	WM	19	NE NE		33.6
25 S	31 E	WM	19	NW NE		37.5
25 S	31 E	WM	19	SW NE		3.2
25 S	31 E	WM	19	SE NE		1.9
25 S	31 E	WM	19	NE NW		29.2
25 S	31 E	WM	19	NW NW	1	8.9
25 S	31 E	WM	19	SW NW	2	5.4
25 S	31 E	WM	19	SE NW		12.9
Total						240.0

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

Certificate: 94197 in the name of JUNIPER BASIN RANCH LLC (perfected under Permit G-17098)
Use: IRRIGATION of 78.1 ACRES
Priority Date: JULY 18, 2012
Rate: 0.98 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 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: WELL 1 (HARN 51409/L91767) AND WELL 2 (HARN 51783/L102544) in MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	31 E	WM	18	SW SE	WELL 2 (HARN 51783/L102544) - 660 FEET NORTH AND 2935 FEET EAST FROM THE SW CORNER OF SECTION 18
25 S	31 E	WM	19	NW NE	WELL 1 (HARN 51409/L91767) - 830 FEET SOUTH AND 3033 FEET EAST FROM THE NW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	31 E	WM	18	NE SW		12.2
25 S	31 E	WM	18	NW SW	3	21.8
25 S	31 E	WM	18	SW SW	4	36.9
25 S	31 E	WM	18	SE SW		1.1
25 S	31 E	WM	19	NW NW	1	6.1
Total						78.1

8. Transfer Application T-13202 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in feet (ft.)	
25 S	31 E	WM	19	NW NE	WELL 3 - 885 FEET SOUTH AND 3060 FEET EAST FROM THE NW CORNER OF SECTION 19	WELL 1	WELL 2
						60.7 ft.	1549.6 ft.
25 S	31 E	WM	19	NW NE	WELL 4 - 1180 FEET SOUTH AND 2650 FEET EAST FROM THE NW CORNER OF SECTION 19	518.7 ft.	1862.3 ft.

Transfer Review Criteria (OAR 690-380-4010)

9. 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.

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-13202.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-13202 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.

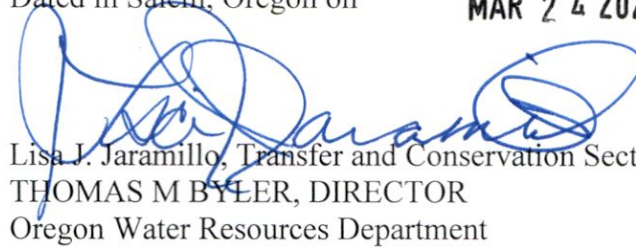
If Transfer Application T-13202 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-13202 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 94108 and 94197, and any related decree.*
3. *Water right Certificates 94108 and 94197 are cancelled.*
4. *The quantity of water diverted at the new additional points of appropriation (Well 3 and Well 4), together with that diverted at the original points of appropriation (Well 1 (HARN 51409) and Well 2 (HARN 51783)), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 (HARN 51409) and Well 2 (HARN 51783)).*
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 (new and existing).*
 - 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. *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 change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

MAR 24 2021



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

March 24, 2021.

ATTN: JON WARREN
JUNIPER BASIN RANCH, LLC
PO BOX 491942
REDDING, CA 96049

SUBJECT: Water Right Transfer Application T-13202

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13202. 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 Burns Times Herald 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.

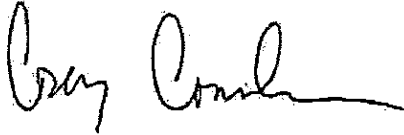
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13202
J R. Johnson, District 10 Watermaster (*via e-mail*)
Scott D. Montgomery, Agent for the applicant (*via e-mail*)

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