

STATE OF OREGON

COUNTY OF KLAMATH

ORDER APPROVING A CHANGE IN PLACE OF USE
AND ADDITIONAL POINTS OF APPROPRIATION

Pursuant to ORS 537.705 and ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8553 submitted by

RAY AND LYNNE FISCHER
13383 HARPOLD ROAD
KLAMATH FALLS, OREGON 97603.

The first right to be modified, as evidenced by Certificate 26808, was perfected under Permit U-301 with a date of priority of SEPTEMBER 2, 1949. The right allows the use of ONE WELL, in the LOST RIVER BASIN, for IRRIGATION OF 199.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.50 cubic feet per second, if available at the original well; NE¼ NE¼, SECTION 18, T 40 S, R 12 E, W.M.; 18.50 CHAINS SOUTH AND 19.50 CHAINS WEST FROM THE NE CORNER OF SECTION 18, or its equivalent in case of rotation, measured at the well.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.8 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.6 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.1 ACRES
SECTION 12

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 28.4 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.4 ACRES
LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 7.4 ACRES
SECTION 18

TOWNSHIP 40 SOUTH, RANGE 12 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The second right to be modified, as evidenced by Certificate 26809, was perfected under Permit U-650 with dates of priority of OCTOBER 30, 1952 FOR 1.15 CUBIC FEET PER SECOND (CFS) AND JANUARY 6, 1954 FOR 0.11 CFS. The right allows the use of RAJNUS WELL 1, in the LOST RIVER BASIN, for IRRIGATION OF 101.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.26 cubic feet per second, if available at the original well; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T 40 S, R 12 E, W.M.; 18.5 CHAINS SOUTH AND 19.5 CHAINS WEST FROM THE NE CORNER OF SECTION 18, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 27.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.4 ACRES
SECTION 12

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.8 ACRES
LOT 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 3.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.8 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16.8 ACRES
SECTION 18

TOWNSHIP 40 SOUTH, RANGE 12 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The third right to be modified, as evidenced by Certificate 34767, was perfected under Permit G-1975 with a date of priority of OCTOBER 25, 1961. The right allows the use of A WELL, in the LOST RIVER BASIN, for IRRIGATION OF 252.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.15 cubic feet per second, if available at the original well; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, T 40 S, R 11 E, W.M.; 1330 FEET SOUTH AND 770 FEET WEST FROM THE NE CORNER OF SECTION 12, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer

The authorized place of use is as follows:

LOT 19	25.8 ACRES
LOT 20	39.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	29.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	14.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	27.2 ACRES
SECTION 1	

NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.6 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	36.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2.2 ACRES
SECTION 12	

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The fourth right to be modified, as evidenced by Certificate 52212, was perfected under Permit 38832 with a date of priority of SEPTEMBER 22, 1975. The right allows the use of BUCK BUTTE RESERVOIR, CONSTRUCTED UNDER PERMIT R-6238, a tributary of LOST RIVER, for SUPPLEMENTAL IRRIGATION OF 122.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 114.0 ACRE-FEET, STORED WATER ONLY, if available at the authorized point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T 40 S, R 12 E, W.M.; 1100 FEET SOUTH AND 320 FEET WEST FROM THE NE CORNER OF SECTION 18, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

LOT 19	25.8 ACRES
LOT 20	39.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 ACRE
SECTION 1	

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to minimum flows established by the Water Policy Review Board with and effective date prior to this right.

The fifth right to be modified, as evidenced by Certificate 52213, was perfected under Permit G-9032 with a date of priority of JULY 10, 1980. The right allows the use of A WELL, in the LOST RIVER BASIN, for IRRIGATION OF 33.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.42 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, T 40 S, R 11 E, W.M.; 1330 FEET SOUTH AND 770 FEET WEST FROM THE NE CORNER, SECTION 12, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer

The authorized place of use is as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE
SECTION 1

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the place of use of Permit 38832 to:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.2 ACRES
SECTION 12

TOWNSHIP 40 SOUTH, RANGE 11 EAST, W.M.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 28.4 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.6 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.4 ACRES
LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 7.4 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.8 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16.8 ACRES
SECTION 18

TOWNSHIP 40 SOUTH, RANGE 12 EAST, W.M.

The applicant proposes additional points of appropriation located:

PERMITS U-301 AND U-650

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, T 40 S, R 11 E, W.M.; 1330 FEET SOUTH AND 770 FEET WEST FROM THE NE CORNER, SECTION 12.

PERMITS G-1975 AND G-9032

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T 40 S, R 12 E, W.M.; 18.5 CHAINS SOUTH AND 19.5 CHAINS WEST FROM THE NE CORNER, SECTION 18.


THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available under Permits U-301, U-650, G-1975, and G-9032.

3. When required by the Department the water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. The former place of use shall no longer be irrigated as part of Permit 38832.

Certificates 26808, 26809, 34767, 52212, and 52213 are cancelled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources
Director, affixed SEP 05 2003.


Paul R. Cleary, Director