

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

In the Matter of Transfer Application        )       FINAL ORDER APPROVING AN  
T-13979, Klamath County                    )       EMERGENCY USE DROUGHT TEMPORARY  
  )       CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

JANI K MCPHERSON  
PO BOX 1  
MIDLAND, OR 97634

**Findings of Fact**

1. On April 18, 2022, JANI K MCPHERSON filed an application to temporarily change the place of use under Permit G-15267 for the remainder of the 2022 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13979.
2. Notice of the application for transfer was published on April 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:  
**Permit:** G-15267 in the name of JOHN L. & JANI K. MCPHERSON  
**Use:** IRRIGATION OF 122.5 ACRES  
**Priority Date:** JANUARY 25, 2002  
**Rate:** 1.53 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

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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre during the irrigation season of each year.

**Period of Use:** APRIL 1 THROUGH OCTOBER 31

**Source:** TWO WELLS IN SPRING LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	9 E	WM	5	NW NE	WELL #1 - 50 FEET SOUTH AND 1604 FEET WEST FROM THE NE CORNER OF SECTION 5
40 S	9 E	WM	8	NE SE	WELL #2 - 2573 FEET NORTH AND 556 FEET WEST FROM THE SE CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	9 E	WM	17	NE SW	10	16.0
40 S	9 E	WM	17	NW SW		20.0
40 S	9 E	WM	17	SW SW		30.0
40 S	9 E	WM	17	SE SW		40.0
40 S	9 E	WM	17	NW SE		0.5
40 S	9 E	WM	17	SW SE		16.0
					Total	122.5

4. Temporary Transfer Application T-13979 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
40 S	9 E	WM	5	NW NE	11.0	
40 S	9 E	WM	5	NE NW	27.0	
40 S	9 E	WM	9	SW NE	13.0	
40 S	9 E	WM	9	NW NW	10.5	
40 S	9 E	WM	9	SW NW	30.0	
40 S	9 E	WM	9	SE NW	31.0	
					Total	122.5

**Temporary Drought Transfer Review Criteria**

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The Governor issued an executive order on March 4, 2022, declaring a state of drought emergency in Klamath County due to drought and extreme weather conditions, which is

still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.

8. The proposed change would not result in enlargement of the rights.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

### Conclusions of Law

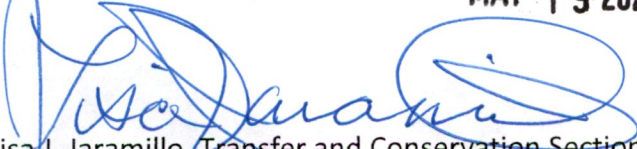
The temporary change in place of use proposed in Temporary Drought Transfer Application T-13979 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

### Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-13979 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the remainder of the 2022 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
4. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Permit G-15267.
5. The proposed change in place of use shall revert to the authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.
6. The use of the remaining water right described by Permit G-15267 shall continue to be in accordance with the terms and conditions of Permit G-15267.

Dated in Salem, Oregon on

**MAY 19 2022**

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

Mailing Date:

**MAY 20 2022**