

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

In the Matter of Transfer Application            )  
T-6852, Klamath County, Oregon                )

FINAL ORDER

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

City of Klamath Falls  
PO Box 237  
Klamath Falls OR 97601

**Findings of Fact**

1. The City of Klamath Falls filed an application to transfer the point of appropriation under Certificate 32193. The Department assigned the application number T-6852.
2. Certificate 32193 was cancelled by Transfer 6214, and is superseded by Certificate 80655.
3. The portion of the right to be transferred is as follows:

**Certificate:** 80655 in the name of City of Klamath Falls  
**Use:** Municipal  
**Priority Date:** February 15, 1960  
**Quantity:** 1.8 cfs  
**Source:** Four wells in the Klamath Basin

**Authorized Point of Appropriation:**

| Township |   | Range |   | Meridian | Sec | ¼  | ¼  | Lot | Location  |
|----------|---|-------|---|----------|-----|----|----|-----|---|
| 38       | S | 9     | E | W.M.     | 32  | SW | NW | 8   | Well #6 -- 2245' S & 1320' E of the NW corner, Sec 32 |

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in an uncontested 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.

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**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼     |
|----------|---|-------|---|----------|-----|---------|
| 38       | S | 9     | E | W.M.     | 19  | ALL     |
| 38       | S | 9     | E | W.M.     | 20  | SW¼ NW¼ |
| 38       | S | 9     | E | W.M.     | 20  | S½      |
| 38       | S | 9     | E | W.M.     | 21  | S½      |
| 38       | S | 9     | E | W.M.     | 28  | ALL     |
| 38       | S | 9     | E | W.M.     | 29  | ALL     |
| 38       | S | 9     | E | W.M.     | 30  | ALL     |
| 38       | S | 9     | E | W.M.     | 32  | ALL     |
| 38       | S | 9     | E | W.M.     | 33  | ALL     |
| 38       | S | 9     | E | W.M.     | 34  | W½ NW¼  |
| 38       | S | 9     | E | W.M.     | 34  | S½      |
| 38       | S | 9     | E | W.M.     | 35  | S½      |
| 39       | S | 9     | E | W.M.     | 1   | W½      |
| 39       | S | 9     | E | W.M.     | 2   | ALL     |
| 39       | S | 9     | E | W.M.     | 3   | ALL     |
| 39       | S | 9     | E | W.M.     | 4   | ALL     |
| 39       | S | 9     | E | W.M.     | 5   | ALL     |
| 39       | S | 9     | E | W.M.     | 8   | E¼      |
| 39       | S | 9     | E | W.M.     | 9   | NE¼     |
| 39       | S | 9     | E | W.M.     | 9   | E½ NW¼  |
| 39       | S | 9     | E | W.M.     | 10  | ALL     |
| 39       | S | 9     | E | W.M.     | 11  | ALL     |
| 39       | S | 9     | E | W.M.     | 12  | NW¼     |
| 39       | S | 9     | E | W.M.     | 14  | N½      |
| 39       | S | 9     | E | W.M.     | 15  | ALL     |

4. Application T-6852 proposes to move the authorized point of appropriation approximately 200 feet southeast to:

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Lot | Location                              |
|----------|---|-------|---|----------|-----|-------|-----|---------------------------------------|
| 38       | S | 9     | E | W.M.     | 32  | SW NW | 8   | 1388' N & 305' E of W¼ corner, Sec 32 |

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

### **Conclusions of Law**

The change in point of appropriation proposed in application T-6852 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

### **Now, therefore, it is ORDERED:**

The change in point of appropriation proposed in T-6852 is approved, subject to the following conditions:

1. The right to 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 Certificate 80655 and any related decree.
2. Certificate 80655 is cancelled; Certificate 80755 shall be issued to describe the remaining rights NOT involved in this transfer.
3. The proposed change shall be completed on or before October 1, 2009.
4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2010.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
7. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. When satisfactory proof of the completed change is received, a new certificate confirming the transferred water rights shall be issued.

Dated at Salem, Oregon this 7<sup>th</sup> day of June, 2004.

  
Phillip C. Ward  
Acting Director

*Protests should be addressed to the attention of Field Services Division, Water Resources  
Department, 725 Summer St. NE, Salem, OR 97301-1271*

Mailing date:         JUN 1 1 2004