

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13602, Klamath County)	TEMPORARY CHANGE IN PLACE OF
)	USE AND ADDITIONAL POINTS OF
)	APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

BARRON W. AND KRISTEN H. KNOLL
10227 CRYSTAL SPRINGS RD
KLAMATH FALLS, OR 97603

Findings of Fact

1. On January 25, 2021, BARRON W. AND KRISTEN H. KNOLL filed an application to temporarily change the place of use and for additional points of appropriation to serve the proposed place of use under Certificate 93960 for a period of 2 years. The Department assigned the application number T-13602.
2. Notice of the application for transfer was published on February 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 93960 in the name of BARRON W. KNOLL AND KRISTEN H. KNOLL
(perfected under Permit G-15626)
Use: SUPPLEMENTAL IRRIGATION of 359.59 ACRES
Priority Date: SEPTEMBER 29, 2003
Rate: 4.46 CUBIC FEET PER SECOND
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

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.

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: APRIL 15 THROUGH OCTOBER 15

Source: WELL 1 IN LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	10 E	WM	17	NE SE	46 FEET SOUTH AND 123 FEET WEST FROM THE E1/4 CORNER OF SECTION 17

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
39 S	10 E	WM	20	NE NE		12.83
39 S	10 E	WM	20	SE NE		38.61
39 S	10 E	WM	20	NE SE	1	36.37
39 S	10 E	WM	20	SE SE	1	8.86
39 S	10 E	WM	21	NW NE		34.70
39 S	10 E	WM	21	SW NE		39.34
39 S	10 E	WM	21	NE NW		39.45
39 S	10 E	WM	21	NW NW		39.30
39 S	10 E	WM	21	SW NW		40.08
39 S	10 E	WM	21	SE NW		32.64
39 S	10 E	WM	21	NW SW		29.24
39 S	10 E	WM	21	NW SE		5.17
					Total	356.59

4. Temporary Transfer Application T-13602 proposes to temporarily change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	10 E	WM	7	SE SE	0.20
39 S	10 E	WM	8	NE SE	24.88
39 S	10 E	WM	8	SE SE	15.09
39 S	10 E	WM	9	NW SW	23.05
39 S	10 E	WM	9	SW SW	22.64
39 S	10 E	WM	9	SE SW	31.91
39 S	10 E	WM	15	NW SW	10.70
39 S	10 E	WM	15	SW SW	25.30
39 S	10 E	WM	15	SE SW	10.30
39 S	10 E	WM	16	NE NW	25.11
39 S	10 E	WM	16	NE SE	26.00
39 S	10 E	WM	16	SE SE	16.10
39 S	10 E	WM	17	NW NW	22.01
39 S	10 E	WM	17	SW NE	32.50
39 S	10 E	WM	17	SE NE	29.60
39 S	10 E	WM	18	NE NE	37.20
39 S	10 E	WM	21	NE NE	1.00
39 S	10 E	WM	22	NW NW	3.00
				Total	356.59

5. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13602 proposes the additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized well in miles (mi.)
39 S	10 E	WM	8	NW SW	WELL #2 - SOUTH 70° 50' 49" EAST 930.64 FEET FROM THE W1/4 CORNER OF SECTION 8	1.5 mi.
39 S	10 E	WM	17	NE SE	WELL #3 - 910 FEET SOUTH AND 760 FEET WEST FROM THE NE CORNER OF SECTION 17	0.4 mi.

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
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 ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law


The temporary change in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-13602 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-13602 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2022 and 2023 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2023 irrigation season. The authorization to use the temporary point of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.

5. A subsequent application for permanent transfer of Certificate 93960 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 93960.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. 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.
 - 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.
9. The use of the remaining water right described by Certificate 93960 shall continue to be in accordance with the terms and conditions of Certificate 93960.

Dated in Salem, Oregon on **FEB 07 2022**


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

Mailing Date: **FEB 08 2022**