

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, 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.

Period of Use: MARCH 1 THROUGH SEPTEMBER 30

Source: A WELL within the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	4	NW NE	650 FEET SOUTH AND 1465 FEET WEST FROM THE NE CORNER OF SECTION 4

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	33	SE SE	22.3
41 S	11 E	WM	4	NE NE	37.6
41 S	11 E	WM	4	SE NE	8.3
TOTAL					68.2

- Temporary Transfer Application T-11048 proposes to move the authorized point of appropriation approximately 400 feet northwest to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	4	NE NE	260 FEET SOUTH AND 1290 FEET WEST FROM THE NE CORNER OF SECTION 4

- Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Temporary Transfer Application T-11048 proposes to temporarily transfer a water right within the boundaries of Klamath Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.

Temporary 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 is present.
- The proposed change would not result in enlargement of the right.

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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in point of appropriation proposed in Temporary Transfer Application T-11048 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. This change is temporary. This change shall be effective upon issuance of this order.
2. **The use shall revert to the authorized point of appropriation at the end of the 2010 irrigation season or the end of the Governor's declared drought, whichever occurs first.**
3. The quantity of water diverted at the temporary point of appropriation shall not exceed the quantity of water available at the authorized point of appropriation.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under transfer.
6. A subsequent application for permanent transfer of Certificate 86099 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.
7. The use of water from the temporary point of appropriation authorized by this transfer shall be in accordance with the terms and conditions of Certificate 86099.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by Certificate 86099 shall continue to be in accordance with the terms and conditions of Certificate 86099.

Dated at Salem, Oregon this 6th day of April 2010.

William S. Feilner
Phillip C. Ward, Director

Mailing Date: APR 07 2010