

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-14002, Klamath County)	EMERGENCY USE DROUGHT TEMPORARY
)	CHANGE IN PLACE OF USE, AND CHANGE
)	IN POINT OF APPROPRIATION

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

DUANE MARTIN RANCHES, LP
2021 STATE HWY 88
IONE, CA 95640

Findings of Fact

1. On May 9, 2022, DUANE MARTIN RANCHES, LP filed an application to temporarily change the place of use and change the point appropriation under Certificate 41860 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-14002.

2. Notice of the application for transfer was published on May 25, 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:

Certificate: 41860 in the name of ROBERT A. JOHNSON (perfected under Permit G-2588)
Use: IRRIGATION of 44.7 ACRES
Priority Date: MARCH 4, 1964
Rate: 0.56 CUBIC FOOT PER SECOND

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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.

Source: NEATHORY WELL NO. 1, a tributary of SPRAGUE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	11 E	WM	15	SW SE	31	WELL 1 - 270 FEET NORTH AND 1620 FEET WEST FROM THE SE CORNER OF SECTION 15

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	11 E	WM	15	NE SE	17	15.7
36 S	11 E	WM	15	NE SE	24	20.0
36 S	11 E	WM	15	SE SE	25	9.0
					Total	44.7

4. Temporary Transfer Application T-14002 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
36 S	11 E	WM	15	NE SW	19	17.5
36 S	11 E	WM	15	NE SW	22	5.3
36 S	11 E	WM	15	NE SW	20	18.5
36 S	11 E	WM	15	NW SW	21	3.4
					Total	44.7

5. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14002 proposes to move the authorized point of appropriation approximately 2000 feet northwest to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	11 E	WM	15	NE SW	22	WELL 6 - 720 FEET SOUTH AND 200 FEET WEST FROM THE C1/4 CORNER OF SECTION 15

Temporary Drought Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights 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 are present.

8. 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.
9. The proposed changes would not result in enlargement of the rights.
10. The proposed changes 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 the place of use and change in point appropriation proposed in Temporary Drought Transfer Application T-14002 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

Now, therefore, it is ORDERED:

1. The temporary change in the place of use and change in point appropriation proposed in Temporary Drought Transfer Application T-14002 is approved.
2. The former places 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 changes cause injury to any existing water right.
4. The quantity of water diverted at the proposed temporary point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 41860. The use shall revert to the authorized place of use at the end of the 2022 irrigation season.
6. The proposed change in place of use and point of appropriation shall revert to the authorized place of use and point of appropriation at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.

7. The use of the remaining water right described by Certificate 41860 shall continue to be in accordance with the terms and conditions of Certificate 41860.

Dated in Salem, Oregon on

AUG 10 2022



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

Mailing Date:

AUG 11 2022