

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13677, Klamath County	)	EMERGENCY USE DROUGHT
	)	TEMPORARY CHANGE IN PLACES
	)	OF USE AND ADDITIONAL POINTS
	)	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**

ROBERT UNRUH  
30083 PICKETT RD  
MALIN, OR 97632

**Findings of Fact**

1. On April 19, 2021, ROBERT UNRUH filed an application to temporarily change the places of use and for additional points of appropriation under Certificate 27103 and Permit G-12450 for the remainder of the 2021 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13677.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be temporarily transferred is as follows:  
**Certificate:** 27103 in the name of ALICE PEREIRA (perfected under Permit G-255)  
**Use:** IRRIGATION of 49.8 ACRES  
**Priority Date:** MAY 28, 1956  
**Rate:** 0.62 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 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** PEREIRA WELL, a tributary of TULELAKE SUMP

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	12 E	WM	28	SW SW	PEREIRA WELL - 3 CHAINS NORTH AND 15.75 CHAINS EAST FROM THE SW CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	12 E	WM	28	SW NW	10.0
40 S	12 E	WM	28	NE SW	39.8
				Total	49.8

4. Temporary Transfer Application T-13427 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	12 E	WM	28	SW SE	40.0
40 S	12 E	WM	33	NW SW	9.8
				Total	49.8

5. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13677 proposes additional points of appropriation with approximate distances from authorized point as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Feet (ft.)
40 S	12 E	WM	28	SW SW	WELL #1 - 200 FEET NORTH AND 1040 FEET EAST FROM THE SW CORNER OF SECTION 28	100.0 ft.
40 S	12 E	WM	28	SW SW	WELL #2 - 150 FEET NORTH AND 790 FEET EAST FROM THE SW CORNER OF SECTION 28	315.0 ft.

6. The portion of the second right to be temporarily transferred is as follows:

**Permit:** G-12450 in the name of NORTHWEST FARM CREDIT SERVICES, FLCA and NORTHWEST FARM CREDIT SERVICES, PCA and R AND C AG, LLC (authorized under Application G-12860)

**Use:** PRIMARY AND SUPPLEMENTAL IRRIGATION OF 30.4 ACRES

**Priority Date:** APRIL 6, 1992

**Rate:** 0.38 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** APRIL 15 THROUGH OCTOBER 15

**Source:** TWO WELLS in the LOST RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	12 E	WM	28	SW SW	WELL #1 - 200 FEET NORTH AND 1040 FEET EAST FROM THE SW CORNER OF SECTION 28
40 S	12 E	WM	28	SW SW	WELL #2 - 150 FEET NORTH AND 790 FEET EAST FROM THE SW CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	12 E	WM	28	SW NW	17.4
40 S	12 E	WM	28	NW SW	1.0
40 S	12 E	WM	28	SW SW	6.0
Total					24.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	12 E	WM	28	SW SW	6.0

7. Temporary Transfer Application T-13427 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	12 E	WM	33	SW NE	24.0
40 S	12 E	WM	33	NW SW	0.4
Total					24.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	12 E	WM	33	NE SW	6.0

8. An additional point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13677 proposes an additional point of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Feet (ft.)	
						Well #1	Well #2
40 S	12 E	WM	28	SW SW	PEREIRA WELL - 3 CHAINS NORTH AND 15.75 CHAINS EAST FROM THE SW CORNER OF SECTION 28	100.0 ft.	315.0 ft.

***Temporary Drought Transfer Review Criteria***

9. 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 are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The Governor issued an executive order on March 31, 2021, 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.
12. The proposed changes would not result in enlargement of the rights.
13. 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**

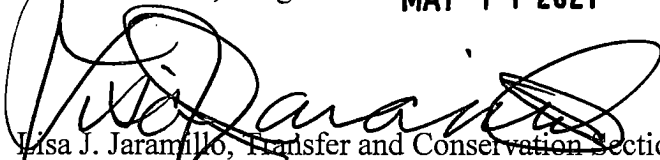
The temporary change in places of use and additional points of appropriation proposed in Temporary Drought Transfer Application T-13677 are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

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

1. The temporary change in places of use and additional points of appropriation proposed in Temporary Drought Transfer Application T-13677 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2021 irrigation season or until the end of the Governor’s declared drought, whichever occurs first.

3. 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.
4. 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.
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 27103 and Permit G-12450. The use shall revert to the authorized places of use at the end of the 2021 irrigation season.
6. The proposed change in places of use and additional points of appropriation shall revert to the authorized places of use and authorized points of appropriation at the end of the 2021 irrigation season or the end of the Governor's declared drought, whichever occurs first.
7. The use of the remaining water rights described by Certificate 27103 and Permit G-12450 shall continue to be in accordance with the terms and conditions of Certificate 27103 and Permit G-12450.

Dated in Salem, Oregon on **MAY 14 2021**



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

*Mailing Date:* **MAY 17 2021**