

4. On March 19, 2020 the Department issued a Preliminary Determination proposing to approve Transfer Application T-12762 and sent a copy to the applicant(s). Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 24, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The first right to be transferred is as follows:

Certificate: 87990 in the name of RLF KLAMATH PROPERTIES, LLC (perfected under Permit G-10695)

Use: IRRIGATION of 206.6 ACRES

Priority Date: FEBRUARY 17, 1987

Rate: 2.59 CUBIC FEET PER SECOND (CFS), BEING 1.43 CFS FROM WELL NO. 1 AND 1.16 CFS FROM WELL NO. 2

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.

Source: THREE WELLS, tributary to BUCK CREEK BASIN (tributary to LOST RIVER BASIN)

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO. 1 (ORIGINAL) - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SW SE	WELL NO. 2 (ORIGINAL) - 850 FEET NORTH AND 530 FEET EAST FROM THE S1/4 CORNER OF SECTION 22
37 S	11.5 E	WM	22	SE NW	WELL NO. 3 - 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
Well 1 & 3					
37 S	11.5 E	WM	15	NW SW	0.2
37 S	11.5 E	WM	15	SW SW	5.1
37 S	11.5 E	WM	16	SW NE	12.3
37 S	11.5 E	WM	16	SE NE	1.3
37 S	11.5 E	WM	16	SE NW	0.1
37 S	11.5 E	WM	16	NE SW	5.6
37 S	11.5 E	WM	16	NE SE	25.3
37 S	11.5 E	WM	16	NW SE	39.8
37 S	11.5 E	WM	16	SW SE	9.2
37 S	11.5 E	WM	16	SE SE	9.6
37 S	11.5 E	WM	22	SW NW	0.5
37 S	11.5 E	WM	22	SE NW	2.4
37 S	11.5 E	WM	22	NW SW	2.2
Well 2 & 3					
37 S	11.5 E	WM	22	NW SW	1.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	22	SW SW	3.3
37 S	11.5 E	WM	22	SE SW	7.0
37 S	11.5 E	WM	22	NW SE	0.3
37 S	11.5 E	WM	22	SW SE	23.6
37 S	11.5 E	WM	22	SE SE	8.5
37 S	11.5 E	WM	26	NW NW	0.9
37 S	11.5 E	WM	26	SW NW	14.8
37 S	11.5 E	WM	26	NW SW	9.3
37 S	11.5 E	WM	27	NE NE	6.2
37 S	11.5 E	WM	27	NW NE	7.3
37 S	11.5 E	WM	27	SE NE	10.0
37 S	11.5 E	WM	27	NE NW	0.7
37 S	11.5 E	WM	27	NE SE	0.1
				Total	206.6

6. Transfer Application T-12762 proposes to use all three wells on all lands.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO. 1 - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SW SE	WELL NO. 2 - 850 FEET NORTH AND 530 FEET EAST FROM S1/4 THE CORNER OF SECTION 22
37 S	11.5 E	WM	22	SE NW	WELL NO. 3 - 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

7. Transfer Application T-12762 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	16	SW NE	14.9
37 S	11.5 E	WM	16	SE NE	0.6
37 S	11.5 E	WM	16	SE NW	1.0
37 S	11.5 E	WM	16	NE SW	8.6
37 S	11.5 E	WM	16	SE SW	0.2
37 S	11.5 E	WM	16	NE SE	10.8
37 S	11.5 E	WM	16	NW SE	40.0
37 S	11.5 E	WM	16	SW SE	6.0
37 S	11.5 E	WM	22	SW NE	3.0
37 S	11.5 E	WM	22	NE NW	0.5
37 S	11.5 E	WM	22	SW NW	0.5
37 S	11.5 E	WM	22	SE NW	22.3
37 S	11.5 E	WM	22	NE SW	4.5
37 S	11.5 E	WM	22	NW SW	5.5
37 S	11.5 E	WM	22	NW SE	18.5
37 S	11.5 E	WM	22	SW SE	10.6
37 S	11.5 E	WM	22	SE SE	9.0
37 S	11.5 E	WM	26	NW NW	1.5
37 S	11.5 E	WM	26	SW NW	17.3
37 S	11.5 E	WM	26	NW SW	9.5
37 S	11.5 E	WM	27	NE NE	6.4
37 S	11.5 E	WM	27	NW NE	6.5
37 S	11.5 E	WM	27	SE NE	8.9
Total					206.6

8. The second right to be transferred is as follows:

Certificate: 87991 in the name of RLF KLAMATH PROPERTIES, LLC (perfected under Permit G-1790)
Use: IRRIGATION of 199.4 ACRES
Priority Date: MARCH 8, 1961
Rate: 2.49 CUBIC FEET PER SECOND
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.
Source: THREE WELLS, tributary to BUCK CREEK BASIN (LOST RIVER BASIN)

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO.1 (ORIGINAL) - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SE NW	WELL NO.2 - 850 FEET NORTH AND 530 FEET EAST FROM THE S1/4 CORNER OF SECTION 22
37 S	11.5 E	WM	22	SW SE	WELL NO.3 - 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	15	SW SW	17.4
37 S	11.5 E	WM	15	SE SW	0.1
37 S	11.5 E	WM	16	NE SE	0.3
37 S	11.5 E	WM	16	SE SE	3.6
37 S	11.5 E	WM	22	SW NE	13.6
37 S	11.5 E	WM	22	NE NW	17.2
37 S	11.5 E	WM	22	NW NW	22.8
37 S	11.5 E	WM	22	SW NW	1.1
37 S	11.5 E	WM	22	SE NW	28.4
37 S	11.5 E	WM	22	NE SW	40.0
37 S	11.5 E	WM	22	NW SW	7.6
37 S	11.5 E	WM	22	SE SW	13.2
37 S	11.5 E	WM	22	NE SE	0.3
37 S	11.5 E	WM	22	NW SE	32.8
37 S	11.5 E	WM	22	SW SE	1.0
Total					199.4

9. Transfer Application T-12762 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	15	NW SW	0.2
37 S	11.5 E	WM	15	SW SW	17.8
37 S	11.5 E	WM	16	NE SE	1.2
37 S	11.5 E	WM	16	SE SE	33.8
37 S	11.5 E	WM	21	NE NE	11.7
37 S	11.5 E	WM	21	SE NE	0.3
37 S	11.5 E	WM	22	NE NW	10.9
37 S	11.5 E	WM	22	NW NW	40.0
37 S	11.5 E	WM	22	SW NW	13.4
37 S	11.5 E	WM	22	SE NW	1.8
37 S	11.5 E	WM	22	NE SW	33.1
37 S	11.5 E	WM	22	NW SW	3.7
37 S	11.5 E	WM	22	SW SW	1.8
37 S	11.5 E	WM	22	SE SW	18.4
37 S	11.5 E	WM	22	NW SE	2.7
37 S	11.5 E	WM	22	SW SE	7.6
37 S	11.5 E	WM	27	NW NE	0.5
37 S	11.5 E	WM	27	NE NW	0.5
Total					199.4

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12762.
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.
14. All other application requirements are met.

Conclusions of Law

The change in points of appropriation and change in places of use proposed in Transfer Application T-12762 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and change in places of use proposed in Transfer Application T-12762 are approved.
2. The right to the 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 Certificates 87990 and 87991 and any related decree.
3. Water right Certificates 87990 and 87991 are cancelled.
4. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. 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.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

7. The former places of use of the transferred rights shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **APR 30 2020**



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

Mailing date: **MAY 01 2020**