

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-14068, Deschutes, Klamath County	)	EMERGENCY USE DROUGHT TEMPORARY
	)	CHANGE IN PLACE OF USE

**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**

KAMERON DELASHMUTT  
2447 NW CANYON DR  
REDMOND, OR 97756

**Findings of Fact**

1. On August 11, 2022, KAMERON DELASHMUTT filed an application to temporarily change the place of use under Certificate 95746 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-14068.
2. Notice of the application for transfer was published on August 16, 2022, pursuant to OAR 690-380-4000.
3. The portion of the right to be temporarily transferred is as follows:  
**Certificate:** 95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION  
(confirmed by Deschutes River decree of record at Salem, in the Order Record of the Water Resources Director in Volume 16, at Page 185)  
**Use:** IRRIGATION of 50.0 ACRES  
**Priority Date:** 1897

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.

**Rate:** August 20 to November 1: ONE-EIGHTIETH OF ONE CUBIC FOOT PER SECOND(CFS)

**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-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM MAY 23 TO AUGUST 20, and ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM APRIL 1 TO MAY 23 AND FROM AUGUST 20 TO NOVEMBER 1 and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
22 S	10 E	WM	34	NE NW	2803	16.9
22 S	10 E	WM	34	NE NW	2803	10.5
22 S	10 E	WM	34	NE NW	2803	16.7
22 S	10 E	WM	34	NE NW	2803	5.9
Total Acres						50.0

4. Temporary Drought Transfer Application T-14068 proposes to temporarily change the place of use to:

IRRIGATION
WITHIN NORTH UNIT IRRIGATION DISTRICT BOUNDARY

**Temporary Drought 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 and canal, sufficient to use the full amount of water allowed under the existing right are present.
- The Governor issued an executive order on April 25, 2022, declaring a state of drought emergency in Deschutes County and 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.

8. The proposed changes would not result in enlargement of the rights.
9. 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 place of use proposed in Temporary Drought Transfer Application T-14068 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

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

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-14068 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 change causes injury to any existing water right.
4. The proposed change in place of use shall revert to the authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.
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 95746.
6. The use of the remaining water right described by Certificate 95746 shall continue to be in accordance with the terms and conditions of Certificate 95746

Dated in Salem, Oregon on **SEP 08 2022**



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

Mailing Date: **SEP 09 2022**