

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-13729, Klamath County)
)
) FINAL ORDER APPROVING AN
) 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

SHEILA BILIKAS
2622 ROUND LAKE RD
KLAMATH FALLS, OR 97601

Findings of Fact

- On June 2, 2021, SHEILA BILIKAS filed an application to temporarily change the place of use under Certificate 85428 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-13729.
- Notice of the application for transfer was published on June 15, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- The portion of the first right to be temporarily transferred is as follows:
 - Certificate:** 85428 in the name of MR AND MRS ROY E. TROWBRIDGE (perfected under Permit G-11209)
 - Use:** IRRIGATION of 1.5 ACRES
 - Priority Date:** AUGUST 6, 1990
 - Rate:** 0.019 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, 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 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ONE WELL within the ROUND LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 E	WM	7	NE NE	850 FEET SOUTH AND 209 FEET WEST FROM THE NE CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	8 E	WM	7	NE NE	1.5

4. Temporary Transfer Application T-13729 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
39 S	8 E	WM	7	NE NE	300	1.5

Temporary Drought Transfer Review Criteria

5. 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.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. 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.
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-13729 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-13729 is 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. 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 use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 85428. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
5. The proposed change in place of use shall revert to the authorized place of use at the end of the 2021 irrigation season or the end of the Governor's declared drought, whichever occurs first.
6. The use of the remaining water right described by Certificate 85428 shall continue to be in accordance with the terms and conditions of Certificate 85428.

Dated in Salem, Oregon on **JUN 24 2021**


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

Mailing Date: **JUN 25 2021**