

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13370, Klamath County	)	EMERGENCY USE DROUGHT
	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND AN ADDITIONAL 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**

BARRON W. AND KRISTEN M. KNOLL  
10227 CRYSTAL SPRINGS RD  
KLAMATH FALLS, OR 97603

**Findings of Fact**

1. On February 14, 2020, BARRON W. AND KRISTEN M. KNOLL filed an application to temporarily change the place of use and add a point of diversion/appropriation under Certificate 93960 for the remainder of the 2020 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13370.
2. Notice of the application for transfer was published on February 25, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 3, 2020, the applicant's agent confirmed the application is for an emergency use drought temporary transfer.
4. The portion of the right to be temporarily transferred is as follows:  
**Certificate:** 93960 in the name of BARRON W. KNOLL, KRISTEN H. KNOLL  
(perfected under Permit G-15626)  
**Use:** SUPPLEMENTAL IRRIGATION of 294.49 ACRES  
**Priority Date:** SEPTEMBER 29, 2003

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:** 3.68 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation under this right, 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, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** WELL 1 in LOST RIVER BASIN

**Authorized Point Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	10 E	WM	17	NE SE	46 FEET SOUTH AND 123 FEET WEST FROM THE E1/4 CORNER OF SECTION 17

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	10 E	WM	20	NE NE	0.85
39 S	10 E	WM	20	SE NE	38.24
39 S	10 E	WM	20	NE SE	36.37
39 S	10 E	WM	20	SE SE	7.65
39 S	10 E	WM	20	SE SE	1.21
39 S	10 E	WM	21	NW NE	3.30
39 S	10 E	WM	21	NW NE	7.21
39 S	10 E	WM	21	NW NE	20.54
39 S	10 E	WM	21	SW NE	39.34
39 S	10 E	WM	21	NE NW	34.48
39 S	10 E	WM	21	NW NW	0.83
39 S	10 E	WM	21	SW NW	37.42
39 S	10 E	WM	21	SE NW	32.64
39 S	10 E	WM	21	NW SW	29.24
39 S	10 E	WM	21	NW SE	5.17
Total					294.49

5. Temporary Transfer Application T-13370 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	10 E	WM	7	SE SE	0.20
39 S	10 E	WM	8	NE SE	24.88
39 S	10 E	WM	8	SE SE	15.09
39 S	10 E	WM	9	NW SW	23.05
39 S	10 E	WM	9	SW SW	22.64
39 S	10 E	WM	9	SE SW	31.91
39 S	10 E	WM	15	NW SW	0.60
39 S	10 E	WM	15	NW SW	4.30
39 S	10 E	WM	15	NW SW	5.80
39 S	10 E	WM	15	SW SW	5.00
39 S	10 E	WM	15	SW SW	3.10
39 S	10 E	WM	15	SW SW	5.60
39 S	10 E	WM	15	SW SW	3.60
39 S	10 E	WM	15	SW SW	5.20
39 S	10 E	WM	15	SW SW	2.80

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	10 E	WM	15	SE SW	10.30
39 S	10 E	WM	16	NE NW	25.11
39 S	10 E	WM	16	NE SE	10.10
39 S	10 E	WM	16	NE SE	8.80
39 S	10 E	WM	16	NE SE	7.10
39 S	10 E	WM	16	SE SE	1.90
39 S	10 E	WM	16	SE SE	3.00
39 S	10 E	WM	16	SE SE	4.00
39 S	10 E	WM	16	SE SE	7.20
39 S	10 E	WM	17	NW NW	22.01
39 S	10 E	WM	18	NE NE	37.20
39 S	10 E	WM	21	NE NE	1.00
39 S	10 E	WM	22	NW NW	1.80
39 S	10 E	WM	22	NW NW	1.20
Total					294.49

6. An additional point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13370 proposes an additional point of appropriation approximately 1.5 miles southeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	10 E	WM	8	NW SW	WELL #2 - SOUTH 70 DEGREES 50' 49" EAST 930.65 FEET FROM THE W1/4 CORNER OF SECTION 8

***Temporary Drought Transfer Review Criteria***

7. 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.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The Governor issued an executive order on March 2, 2020, 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.
10. The proposed changes would not result in enlargement of the rights.
11. 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, and an additional point appropriation proposed in Temporary Drought Transfer Application T-13370 are 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 and an additional point appropriation proposed in Temporary Drought Transfer Application T-13370 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2020 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 use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 93960. The use shall revert to the authorized place of use at the end of the 2020 irrigation season.
5. The proposed change in place of use and an additional points of appropriation shall revert to the authorized place of use and point appropriation at the end of the 2020 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 93960 shall continue to be in accordance with the terms and conditions of Certificate 93960.

Dated in Salem, Oregon on **JUN 18 2020**



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

*Mailing Date:* **JUN 19 2020**