

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13420, Klamath County)	EMERGENCY USE DROUGHT
)	TEMPORARY 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

DEBORAH WALLACE
9480 BUESING RD
KLAMATH FALLS, OR 97603

Findings of Fact

1. On April 22, 2020, DEBORAH WALLACE filed an application to temporarily use an additional point of appropriation under Certificate 91588 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-13420.
2. Notice of the application for transfer was published on April 28, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 7, 20220, the Department received revised tables and maps clarifying the location of the additional point of appropriation.

4. The right to be temporarily transferred is as follows:

Certificate: 91588 in the name of RANDOLPH WALLACE, DEBORAH WALLACE
(perfected under Permit G-12979)
Use: IRRIGATION of 311.5 ACRES
Priority Date: OCTOBER 22, 1993
Rate: 2.48 CUBIC FEET PER SECOND
Period of Use: MARCH 1 THROUGH SEPTEMBER 30

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 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 (or its equivalent) for each acre irrigated, and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	5	NE NW	784 FEET NORTH AND 30 FEET WEST FROM THE CENTER OF THE N1/16 CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	10 E	WM	32	SE SW	36.3
41 S	10 E	WM	5	NE NW	36.5
41 S	10 E	WM	5	SE NW	9.9
41 S	10 E	WM	5	NE SW	40.0
41 S	10 E	WM	5	SE SW	40.0
41 S	10 E	WM	5	NW SE	28.8
41 S	10 E	WM	5	SW SE	40.0
41 S	10 E	WM	8	NW NE	40.0
41 S	10 E	WM	8	SW NE	40.0
Total:					311.5

- Temporary Transfer Application T-13420 proposes an additional point of appropriation approximately 2382 feet South to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	5	NW SE	KLAM 51848-2694.6 FEET SOUTH AND 460 FEET EAST FROM THE COMMON ¼ CORNER OF SECTIONS 32 AND SECTION 5

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, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 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.

9. The proposed changes would not result in enlargement of the rights.
10. 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.

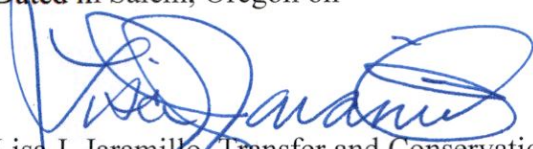
Conclusions of Law

The temporary additional point of appropriation proposed in Temporary Drought Transfer Application T-13420 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

Now, therefore, it is ORDERED:

1. The temporary additional point of appropriation proposed in Temporary Drought Transfer Application T-13420 is approved.
2. 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.
3. 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 91588. The use shall revert to the authorized place of use at the end of the 2020 irrigation season.
4. The additional point of appropriation shall revert to the authorized point of appropriation at the end of the 2020 irrigation season or the end of the Governor's declared drought, whichever occurs first.
5. The use of the remaining water right described by Certificate 91588 shall continue to be in accordance with the terms and conditions of Certificate 91588.

Dated in Salem, Oregon on **JUN 10 2020**



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

Mailing Date: **JUN 11 2020**