

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13876, Klamath County)	AN ADDITIONAL POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CRESCENT WATER SUPPLY AND IMPROVEMENT DISTRICT
PO BOX 247
CRESCENT, OR 97733-0247

Findings of Fact

1. On December 20, 2021, CRESCENT WATER SUPPLY AND IMPROVEMENT DISTRICT filed an application for an additional point of appropriation under Certificate 89904. The Department assigned the application number T-13876.
2. Notice of the application for transfer was published on January 4, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 16, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13876 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 18, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

4. On August 3, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13876 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 9, 2022, and in the Klamath Herald and News newspaper on August 9 and 16, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The right to be transferred is as follows:

Certificate: 89904 in the name of CRESCENT WATER SUPPLY AND IMPROVEMENT DISTRICT (perfected under Permit G-11990)

Use: QUASI-MUNICIPAL USES

Priority Date: OCTOBER 19, 1989

Rate: 1.8 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 1.03 CFS FROM WELL 1, 0.71 CFS FROM WELL 2, LAND 0.50 CFS FROM WELL 3, in any combination, or its equivalent in case of rotation, measured at the well.

Source: WELL 1, WELL 2, AND WELL 3 in the LITTLE DESCHUTES RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	9 E	WM	30	SW NE		WELL 1 - 1680 FEET SOUTH AND 1260 FEET EAST FROM THE N1/4 CORNER OF SECTION 30
24 S	9 E	WM	30	SE NE		WELL 2 - 1520 FEET SOUTH AND 1770 FEET EAST FROM THE N1/4 CORNER OF SECTION 30
25 S	8 E	WM	1	NE NE	1	WELL 3 - 470 FEET SOUTH AND 770 FEET WEST FROM THE NE CORNER OF SECTION 1

Authorized Place of Use:

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
24 S	8 E	WM	25	NW NE	
24 S	8 E	WM	25	SW NE	
24 S	8 E	WM	25	SE NE	
24 S	8 E	WM	25	SE NW	
24 S	8 E	WM	25	NE SW	
24 S	8 E	WM	25	NW SW	
24 S	8 E	WM	25	SW SW	
24 S	8 E	WM	25	SE SW	
24 S	8 E	WM	25	NE SE	
24 S	8 E	WM	25	NW SE	
24 S	8 E	WM	25	SW SE	
24 S	8 E	WM	25	SE SE	
24 S	8 E	WM	36	SE NE	
24 S	8 E	WM	36	NE SW	
24 S	8 E	WM	36	SE SW	
24 S	8 E	WM	36	NE SE	
24 S	8 E	WM	36	NW SE	
24 S	8 E	WM	36	SW SE	
24 S	8 E	WM	36	SE SE	

QUASI-MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
24 S	9 E	WM	30	NE NE	
24 S	9 E	WM	30	NW NE	
24 S	9 E	WM	30	SW NE	
24 S	9 E	WM	30	SE NE	
24 S	9 E	WM	30	SW NW	2
24 S	9 E	WM	30	SE NW	2
24 S	9 E	WM	30	NE SW	3
24 S	9 E	WM	30	NW SW	3
24 S	9 E	WM	30	SW SW	3
24 S	9 E	WM	30	SE SW	3
24 S	9 E	WM	30	NW SE	
24 S	9 E	WM	31	NW NW	
24 S	9 E	WM	31	SW NW	
25 S	8 E	WM	1	NE NE	1
25 S	8 E	WM	1	NW NE	1

6. Transfer Application T-13876 proposes an additional point of appropriation approximately between 234 feet and 2.03 miles from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	APPROXIMATE DISTANCES FROM AUTHORIZED WELLS (feet & miles)		
						WELL 1	WELL 2	WELL 3
24 S	9 E	WM	30	SE NE	WELL 4 - 1580 FEET SOUTH AND 1490 FEET EAST FROM THE N1/4 CORNER OF SECTION 30	234.8 FEET	257.0 FFET	2.03 MILES

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record 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 were present within the five-year period prior to submittal of Transfer Application T-13876.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Conclusions of Law

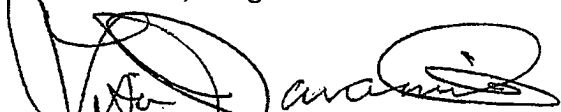
The additional point of appropriation proposed in Transfer Application T-13876 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-13876 is 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 Certificate 89904 and any related decree.
3. Water right Certificate 89904 is cancelled.
4. The quantity of water diverted at the additional point of appropriation (WELL 4), together with that diverted at the original points of appropriation (WELLS 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original points of appropriation (WELLS 1, 2, and 3).
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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

SEP 22 2022



Lisa J. Yaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

SEP 23 2022

Mailing date: _____