

T-11266

T-11266

Name Knoll Ranch, LLC
Barron + Grant Knoll
Address 5429 Reeder Rd
Klamath Falls OR 97603

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Spring, unnamed streams

Date	FEES PAID	
	Amount	Receipt #
<u>6-29-11</u>	<u>900⁰⁰</u>	<u>103270</u>

Trib. of upper Klamath L

Change in APOD
Date Filed 6/29/11
Initial notice date 7/5/11
DPD issued date 9/28/2011
PD issued date ~~10/4/2011~~ 9/28/2011
PD notice date 10/4/2011
Date of FO 12-6-11 Vol 85 Page 762

Use _____ County Klamath
Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App # S 48878 Per # S 35928 Cert # 44733 PR Date 1971

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

Date	FEES REFUNDED	
	Amount	Receipt#

C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Klamath Basin Rangeland Trust, Shannon Peterson

CWRE _____
CC's list Klamath County Planning

- Oversized map - Location _____

Roger Smith

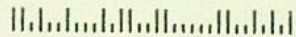
roger.c.smith@state.or.us

Bill Tinniswood

william.c.tinniswood@state.or.us

Rick J. Kepler

rick.j.kepler@state.or.us



Knoll Ranch, LLC
 Barron & Grant Knoll
 5429 Reeder Road
 Klamath Falls, OR 97603



Knoll Ranch, LLC
 Barron & Grant Knoll
 5429 Reeder Road
 Klamath Falls, OR 97603



Shannon Peterson
 Klamath Basin Rangeland Trust
 700 Main Street, #201A
 Klamath Falls, OR 97601



Shannon Peterson
 Klamath Basin Rangeland Trust
 700 Main Street, #201A
 Klamath Falls, OR 97601

Need ODFW

Review

8/25/11

Roger Smith or Bill Tinniswood

(541) 883-5732

Left message 8/17/11 ^{RS}

Water Right Transfer Cover Sheet

Transfer T-11266

Transfer Specialist: *Juw*

Transfer Type: Regular

Applicant Name/Address: KNOLL RANCH, LLC BARRON & GRANT KNOLL 5429 REEDER RD KLAMATH FALLS, OR 97603	Agent Name/Address: KLAMATH BASIN RANGELAND TRUST SHANNON PETERSON 700 MAIN ST, SUITE 201A KLAMATH FALLS, OR 97601	Rec Landowner Name/Address: NONE
CWRE Name/Number: NONE	Irr. District Name/Address: NONE	Affected Gov'ts Name/Address: COUNTY OF KLAMATH 305 MAIN ST KLAMATH FALLS, OR 97601
Commentors: Name/Address: NONE		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	S-48878	S-35928	44733	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1971
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: June 29, 2011	Proposed Action(s): APOD	
Fees Pd: 900.00	WM District: 17	ODFW District: KLAMATH
Initial Notice: July 5, 2011	WM Review sent: 6/30/11	ODFW Review sent: 6/30/11
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: NONE

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: *11/15/11*
 not required

DPD Mailed: *8/29/11*
 ODFW contact sheet sent with DPD, or N/A

Affid of Pub Rec'd: _____
Last Day Published: _____

WM measurement contact sheet sent, or N/A

Affidavit Reminder Sent: _____
Reminder Deadline: _____

PD Signed: *9/28*
PD Weekly Notice: *10/4*

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Reviewer: _____ Date: _____ Coordinator: <i>ALP</i> Date: <i>9/27/11</i>	Reviewer: <i>PKS</i> Date: <i>12/1/2011</i> Coordinator: _____ Date: _____
Comments/Special Issues: <i>APOD</i>		

Special Order Volume: Vol *85* Pages _____ Final Order Signature Date: _____
Notice of FO email'd to processors _____



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

December 8, 2011

BARRON KNOLL
5429 REEDER RD
KLAMATH FALLS, OR 97603

REFERENCE: Transfer Application T-11266

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker by telephone at (503) 986-0881 or by e-mail at Teri.K.Hranac@ wrd.state.or.us.

Sincerely,

Kim French-Gorski
Water Rights Services Support
Transfers and Conservation Section

cc: Scott White, Watermaster Dist. #17
Shannon Peterson, KBRT 700 Main St #201A, Klamath Falls, OR 97601

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING AN
T-11266, Klamath County) ADDITIONAL POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KNOLL RANCH, LLC
BARRON KNOLL
GRANT KNOLL
5429 REEDER RD
KLAMATH FALLS, OR 97603

Findings of Fact

Background

1. On June 29, 2011, KNOLL RANCH, LLC, BARRON KNOLL AND GRANT KNOLL, filed an application for an additional point of diversion under Certificate 44733. The Department assigned the application number T-11266.
2. On August 9, 2011, the applicant corrected a scrivener's error in the Evidence of Use Affidavit, and clarified that the change is for an additional point of appropriation.
3. The portion of the right to be transferred is as follows:

Certificate: 44733 in the name of FREDERIC AND ROBERTA SCHILDMEYER
(perfected under Permit S-35928)
Use: IRRIGATION of 440.0 ACRES
Priority Date: DECEMBER 2, 1971
Rate: 11.0 CUBIC FEET PER SECOND (CFS), BEING 1.75 CFS FROM THE
SPRING AND 9.25 CFS FROM THE UNNAMED STREAM

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A SPRING AND UNNAMED STREAM, tributary to the UPPER KLAMATH LAKE

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
37 S	9 E	WM	6	SW NW	5	2800 FEET NORTH AND 1130 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 1140 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 640 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
37 S	8 E	WM	1	SE SE	1	1.5
37 S	8 E	WM	12	NE NE	1	12.0
37 S	8 E	WM	12	SE NE	2	23.0
37 S	8 E	WM	12	NE SE	3	40.7
37 S	9 E	WM	6	NE SW		2.2
37 S	9 E	WM	6	NW SW	6	29.8
37 S	9 E	WM	6	SW SW	7	45.9
37 S	9 E	WM	6	SE SW		24.5
37 S	9 E	WM	7	NE NW		38.0
37 S	9 E	WM	7	NW NW	1	47.2
37 S	9 E	WM	7	SW NW	2	47.2
37 S	9 E	WM	7	SE NW		38.2
37 S	9 E	WM	7	NE SW		39.9
37 S	9 E	WM	7	NW SW	3	49.9
TOTAL						440.0

4. Transfer Application T-11266 proposes an additional point of diversion approximately 2.0 miles downstream in Upper Klamath Lake located at:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
37 S	8 E	WM	13	SW NE	2	1850 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER OF SECTION 13

5. The proposed additional point of diversion is located on Upper Klamath Lake. The source of water under Certificate 44733 is listed as a Spring and an Unnamed Stream, tributary to Upper Klamath Lake. The Spring and Unnamed Stream flow into Upper Klamath Lake downstream from the original points of diversion. Water not diverted at the original points

of diversion on the Unnamed Stream and Spring flows into Upper Klamath Lake and enters the lake "pool." The proposed additional point of diversion is on Upper Klamath Lake. The diversion rate at the proposed additional point of diversion (Upper Klamath Lake), together with the water diverted at the original points of diversion, cannot exceed water available for diversion at the original points of diversion (Spring and Unnamed Stream).

6. ORS 540.520 does not allow changes in the source of water. To avoid injury to junior users on Upper Klamath Lake, and to be in compliance with statutes, the source of water for this right remains a Spring and an Unnamed Stream which are tributary to Upper Klamath Lake.
7. Notice of the application for transfer was published on July 5, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On August 29, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11266 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 29, 2011, 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.
9. On September 28, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11266 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 4, 2011, and in the Herald and News newspaper on October 22 and 29, and November 5, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. 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.
12. A pump, canal, 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-11266.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

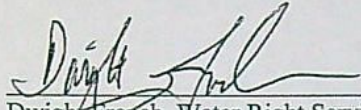
The additional point of diversion proposed in Transfer Application T-11266 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

Now, therefore, it is ORDERED:

1. The additional point of diversion proposed in Transfer Application T-11266 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 44733 and any related decree.
3. Water right certificate 44733 is cancelled.
4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
5. Upper Klamath Lake is not the source of water for this right. Water diverted is limited to what is available at the original points of diversion (Spring and Unnamed stream) located in the SW NW of Section 6, Township 37 S, Range 9 E, W.M.
6. 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 diversion.
 - 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.
7. Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 6 day of December 2011.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: DEC 09 2011

HERALD AND NEWS

%ISJ PAYMENT PROCESSING CENTER
 PO BOX 1570
 POCATELLO ID 83204
 (541) 885-4410

Fax(541) 883-4007

Advertising Invoice and Statement

1 Billing Period 11/2011		2 Advertiser/Client Name KLAMATH BASIN RANGELAND TRUST	
23 Total Amount Due .00		*Unapplied Amount	3 Terms of Payment
21 Current Net Amount Due N/A	22 30 Days N/A	60 Days N/A	Over 90 Days N/A
4 Page Number 1	5 Billing Date 11/09/11	6 Billed Account Number 203814	7 Advertiser/Client Number 203814

8 Billed Account Name and Address KLAMATH BASIN RANGELAND TRUST 700 MAIN ST SUITE 201A KLAMATH FALLS OR 97601		Amount Paid: <hr/>	Comments:
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Please Return Upper Portion With Payment

10 Date	11 Newspaper Reference	12 13 14 Description-Other Comments/Charges	15 SAU Size 16 Billed Units	17 Times Run 18 Rate	19 Gross Amount	20 Net Amount
11/05/11	553424 LEGAL	#13826 TRANSFER T-1126STDH "NOTICE OF PRELIMINARY 10HN 10IN	6.50	1 13.17	267.82	267.82

RECEIVED

NOV 14 2011

WATER RESOURCES DEPT
SALEM, OREGON

Statement of Account - Aging of Past Due Amounts

Due date: 11/24/11

21 Current Net Amount Due N/A	22 30 Days N/A	60 Days N/A	Over 90 Days N/A	*Unapplied Amount	23 Total Amount Due 0.00
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HERALD AND NEWS

(541) 885-4410

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

24 Invoice Number 571529		25 Advertiser Information	
1 Billing Period 11/2011	6 Billed Account Number 203814	7 Advertiser/Client Number 203814	2 Advertiser/Client Name KLAMATH BASIN RANGELAND

AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH

I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that I know from my personal knowledge that the

Legal#13826 TRANSFER T-11266

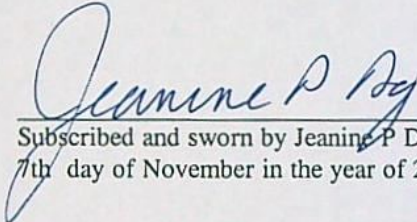
"NOTICE OF PRELIMINARY DE

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 3

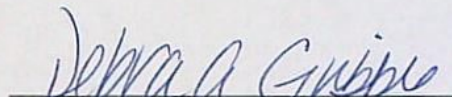
Insertion(s) in the following issues:

10/22/2011 10/29/2011 11/05/2011

Total Cost: \$267.82



Subscribed and sworn by Jeanine P Day before me on:
7th day of November in the year of 2011


Notary Public of Oregon
My commision expires on May 15, 2012



"Notice of Preliminary Determination
Water Right Transfer T-11266

T-11266 filed by Knoll Ranch, LLC 5429 Reeder Rd., Klamath Falls, OR 97603, proposes an additional point of diversion under Certificate 44733. The right allows the use of 11.0 cubic feet per second (priority date Dec. 2, 1971) from a Spring and Unnamed Stream, tributary to Upper Klamath Lake in Sec. 6, T 37 S, R 9 E, W.M. for irrigation in Secs. 1 and 12, T 37 S, R 8 E, W.M. and Secs. 6 and 7, T 37 S, R 9 E, W.M. The applicant proposes an additional point of diversion approximately 2 miles downstream in Sec 13, T 37 S, R 8 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of the final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is November 05, 2011. If no protests are filed, the Department will issue a final order consistent with the preliminary determination."
#13826 October 22, 29, November 05, 2011.

RECEIVED

NOV 14 2011

WATER RESOURCES DEPT
SALEM, OREGON

The newspapers of **Oregon** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Klamath
Printed In: Herald and News (Klamath Falls)
Printed On: 2011/10/29

"Notice of Preliminary Determination Water Right Transfer T-11266 T-11266 filed by Knoll Ranch, LLC 5429 Reeder Rd., Klamath Falls, OR 97603, proposes an additional point of diversion under Certificate 44733. The right allows the use of 11.0 cubic feet per second (priority date Dec. 2, 1971) from a Spring and Unnamed Stream, tributary to Upper Klamath Lake in Sec. 6, T 37 S, R 9 E, W.M. for irrigation in Secs. 1 and 12, T 37 S, R 8 E, W.M. and Secs. 6 and 7, T 37 S, R 9 E, W.M. The applicant proposes an additional point of diversion approximately 2 miles downstream in Sec 13, T 37 S, R 8 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000. Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of the final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is November 05, 2011. If no protests are filed, the Department will issue a final order consistent with the preliminary determination." #13826 October 22, 29, November 05, 2011.

Public Notice ID: 17459521



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904

September 28, 2011

KNOLL RANCH, LLC
5429 REEDER RD
KLAMATH FALLS, OR 97603

PN 10/4/2011

SUBJECT: Transfer Application T-11266

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11266. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because the new point of diversion is more than ¼ mile from the authorized points of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by **November 15, 2011**.

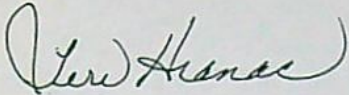
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.



Please do not hesitate to contact me at 503-986-0881 or Teri.K.Hranac@wrд.state.or.us if I may be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Teri Hranac".

Teri Hranac
Transfer Specialist
Transfer and Conservation Section

Enclosures

cc: Scott White, District 17 Watermaster
Shannon Peterson, KBRT, 700 Main St., # 201A, Klamath Falls, OR 97601

acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A SPRING and UNNAMED STREAM, tributary to the UPPER KLAMATH LAKE

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
37 S	9 E	WM	6	SW NW	5	2800 FEET NORTH AND 1130 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 1140 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 640 FEET EAST FROM THE SW CORNER OF SECTION 6
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Authorized Place of Use:

IRRIGATION						
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37 S	8 E	WM	1	SE SE	1	1.5
37 S	8 E	WM	12	NE NE	1	12.0
37 S	8 E	WM	12	SE NE	2	23.0
37 S	8 E	WM	12	NE SE	3	40.7
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37 S	9 E	WM	6	NW SW	6	29.8
37 S	9 E	WM	6	SW SW	7	45.9
37 S	9 E	WM	6	SE SW		24.5
37 S	9 E	WM	7	NE NW		38.0
37 S	9 E	WM	7	NW NW	1	47.2
37 S	9 E	WM	7	SW NW	2	47.2
37 S	9 E	WM	7	SE NW		38.2
37 S	9 E	WM	7	NE SW		39.9
37 S	9 E	WM	7	NW SW	3	49.9
TOTAL						440.0

4. Transfer Application T-11266 proposes an additional point of diversion approximately 2 miles downstream in Upper Klamath Lake located at:

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5. The proposed additional point of diversion is located on Upper Klamath Lake. The source of water under Certificate 44733 is listed as a Spring and an Unnamed Stream, tributary to Upper Klamath Lake. The Spring and Unnamed Stream flow into Upper Klamath Lake downstream from the original points of diversion. Water not diverted at the original points of diversion on the Unnamed Stream and Spring flows into Upper Klamath Lake and enters

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7. Notice of the application for transfer was published on July 5, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On August 29, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11266 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 29, 2011, 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.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. 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.
11. A pump, canal, 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-11266.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

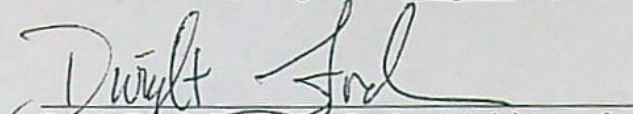
The additional point of diversion proposed in Transfer Application T-11266 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11266 is approved, the final order will include the following:

- 1. The additional point of diversion proposed in application T-11266 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 44733 and any related decree.*
- 3. Water right certificate 44733 is cancelled.*
- 4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*
- 5. Upper Klamath Lake is not the source of water for this right. Water diverted is limited to what is available at the original points of diversion (Spring and Unnamed stream) located in the SW NW of Section 6, Township 37 S, Range 9 E, W.M.*
- 6. 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 diversion.*
 - 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.*
- 7. Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
- 8. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2013. 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.*

9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 28 day of September 2011.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@wrd.state.or.us.

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-11266**

T-11266 filed by Knoll Ranch, LLC, 5429 Reeder Rd., Klamath Falls, OR 97603, proposes an additional point of diversion under Certificate 44733. The right allows the use of 11.0 cubic feet per second (priority date Dec. 2, 1971) from a Spring and Unnamed Stream, tributary to Upper Klamath Lake in Sec. 6, T 37 S, R 9 E, W.M. for irrigation in Secs. 1 and 12, T 37 S, R 8 E, W.M. and Secs. 6 and 7, T 37 S, R 9 E, W.M. The applicant proposes an additional point of diversion approximately 2 miles downstream in Sec. 13, T 37 S, R 8 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is **[DATE OF LAST PUBLICATION]**. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

title report

Teri Hranac

From: Shannon Peterson [speterson@kbrt.org]
Sent: Tuesday, September 27, 2011 9:23 AM
To: teri.k.hranac@state.or.us
Subject: T-11266, Title Report
Attachments: 09-26-2011.pdf

Hello Teri ~

Attached please find a Title Report for Knoll Ranch, involved in the Water Right Transfer Application T-11266.

Please note that

- 1) This is a full title report instead of just an Ownership Report, although I believe all of the necessary information is included. Please let me know if it is not.
- 2) The report covers only the "FROM" lands in the transfer application, and not the full extent of the Knoll's property. I believe this is consistent with the instructions from OWRD, but please let me know if it is not.

Please don't hesitate to contact me if you would like more information or have any questions.

Thank you for your work on this ~

Shannon

Shannon Peterson
Executive Director
Klamath Basin Rangeland Trust
700 Main St, #201A
Klamath Falls, OR 97601
Phone: 541-273-2189
Fax: 541-273-0921
Cell: 541-973-5608

From: Bob Leyrer [mailto:bobl@ameri-title.com]
Sent: Monday, September 26, 2011 12:04 PM
To: speterson@kbrt.org
Subject: knoll ranch

Hello Shannon,

Please see the attached for the status of record title you have ordered on Knoll Ranch LLC.

Bob Leyrer
Title Officer
AmeriTitle
300 Klamath Avenue
Klamath Falls, Oregon 97601
telephone 1-541-883-3401
direct telephone 1-541-883-7939
fax 1-541-882-0620
bobl@ameri-title.com

Order No. 0091620



STATUS OF RECORD TITLE

KLAMATH BASIN RANGELAND TRUST
700 MAIN STREET #201A
KLAMATH FALLS, OR 97601

Date: September 26, 2011
Title Number: 0091620
Title Officer: ROBERT M. LEYRER
Fee: \$200.00

Attn: SHANNON PETERSON

We have searched the status of record title as to the following described property:

Parcel 1:

Government Lot 1 in Section 1 and Government Lots 1, 2, 3 and 4 of Section 12, all in Township 37 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway Commission recorded May 14, 1948 in Volume 220, page 395 and recorded March 28, 1950 in Volume 237, page 565, all in Deed Records of Klamath County, Oregon.

EXCEPT those portions of the above described properties heretofore conveyed to the State of Oregon for highway purposes in Deed Volume 224, page 139, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING those portions of the above described properties heretofore conveyed to the Oregon Eastern Railway Company, an Oregon Corporation, for railroad right-of-way in Deed Volume 26, page 396, Deed Records of Klamath County, Oregon.

PARCEL 2:

Government Lots 5, 6 and 7; the SE1/4 SW1/4 and that portion of the NE1/4 SW1/4 lying West of the State Highway, all in Section 6. Government Lots 1, 2 and 3 and the E1/2 NW1/4 and the NE1/4 SW1/4 of Section 7, All in Township 37 South Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway Commission recorded May 14, 1948 in Volume 220, page 395 and recorded March 28, 1950 in Volume 237, page 565, all in Deed Records of Klamath County, Oregon.

(Legal Description Continued)

EXCEPTING THEREFROM that portion lying in Government Lots 5 and 6 in Section 6, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, conveyed to the State of Oregon by and through its Department of Transportation recorded July 29, 2004 in Volume M04, page 49556, Microfilm Records of Klamath County, Oregon.

ALSO EXCEPTING THEREFROM any portion laying in Algoma Road.

Vestee:

KNOLL RANCH LLC,
AN OREGON LIMITED LIABILITY COMPANY

and dated as of September 19, 2011 at 8:00 A.M.

Said property is subject to the following on records matters:

EXCEPTIONS:

1. Taxes for the fiscal year 2011-2012, a lien not yet due and payable.
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
3. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
4. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Timber Fire Patrol.
5. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
6. Any improvement located upon the insured property which is described or defined as a Mobile Home under the provisions of Chapters 446.561 through 446.646, Oregon Revised Statutes, and is subject to registration as provided therein.
7. Covenants, conditions and restrictions, as contained in deed to the Oregon Eastern Railway Company, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, subject to the terms and provisions thereof, dated February 20, 1909, recorded July 23, 1909 in Volume 26, page 396, Deed Records of Klamath County, Oregon.

9. Easement to raise and/or lower the water level of Upper Klamath Lake, and incidentals as conveyed to The California Oregon Power Company by agreement
Dated: August 15, 1929
Recorded: September 11, 1929
Volume: 88, page 41, Deed Records of Klamath County, Oregon,
For: Control of water level of said lake between said elevations of 4,137 feet and 4,143.3 feet above sea level

Amended and Supplemented by Agreement

Recorded: January 31, 1930
Volume: 88, page 563, Deed Records of Klamath County, Oregon.

10. Covenants, conditions and restrictions, as contained in deed to the Oregon Eastern Railway Company, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, subject to the terms and provisions thereof;
Dated: September 29, 1909
Recorded: November 9, 1909
Volume: 26, page 604, Deed Records of Klamath County, Oregon
11. Agreement, subject to the terms and provisions thereof, between John Hagelstein and Wm. G. Hagelstein, et al., and The California Oregon Power Company, a California corporation;
Dated: February 24, 1930
Recorded: March 13, 1930
Volume: 91, page 75, Deed Records of Klamath County, Oregon
12. Restrictions and limitations and grant of easement, subject to the terms and provisions thereof, contained in Deed executed by William G. Hagelstein and Hazel Hagelstein, husband and wife, to the State of Oregon, by and through its State Highway Commission,
Dated: March 20, 1948
Recorded: May 14, 1948
Volume: 220, page 395, Microfilm Records of Klamath County, Oregon
13. An easement created by instrument, subject to the terms and provisions thereof,
Recorded: June 21, 1948
Volume: 222, page 52, Deed Records of Klamath County, Oregon
From: Henry A. Ketsdever, et al
In favor of: William C. Hagelstein
14. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded August 21, 1948 in Volume 224, page 139, Deed Records of Klamath County, Oregon, which provided that no right or easement of right of access to, from or across the Highway other than expressly therein provided for shall attach to the abutting property.

As amended by Indenture of Access;

Dated: October 1, 1952
Recorded: October 27, 1952
Volume: 257, page 400, Deed Records of Klamath County, Oregon

15. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
Dated: March 21, 1950
Recorded: March 28, 1950
Volume: 237, page 565, Deed Records of Klamath County, Oregon

Amended by Indure of Access,
Dated: November 20, 1951
Recorded: November 20, 1951
Volume: 257, page 405, Deed Records of Klamath County, Oregon
16. An easement created by instrument, subject to the terms and provisions thereof;
Dated: July 31, 1950
Recorded: August 9, 1950
Volume: 241, page 148, Deed Records of Klamath County, Oregon
In favor of: Wm. G. Hagelstein and Hazel Hagelstein
For: Right of way over Lot 5
17. Agreement and Reservation, subject to the terms and provisions thereof,
Recorded: December 13, 1961
Volume: 334, page 329, Deed Records of Klamath County, Oregon
From: William G. Hagelstein and Hazel Hagelstein
To: Klamath County, Oregon
For: The purpose of a park
18. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 23, 1998
Recorded: November 16, 1998
Volume: M98, page 41714, Microfilm Records of Klamath County, Oregon
In favor of: PacifiCorp
For: A 25 foot easement
19. Communication Easement, subject to the terms and provisions thereof;
Dated: November 18, 1999
Recorded: December 6, 1999
Volume: M99, page 47961, Microfilm Records of Klamath County, Oregon
In favor of: Pacific Fiber Link LLC
20. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
Recorded: July 29, 2004
Volume: M04, page 49556, Microfilm Records of Klamath County, Oregon

21. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
Dated: September 10, 2008
Recorded: September 26, 2008
Volume: 2008-013403, Microfilm Records of Klamath County, Oregon
Amount: \$1,720,100.00
Grantor: B. Paulette Knoll, Trustee of the Knoll Trust dated 1/22/92, B. Paulette Knoll, Grant W. Knoll and Knoll Ranch LLC
Trustee: AmeriTitle
Beneficiary: Northwest Farm Credit Services FLCA
(Includes other property)

22. Financing Statement, subject to the terms and provisions thereof;
Recorded: December 5, 2008
Volume: 2008-016111, Microfilm Records of Klamath County, Oregon
Debtor: Knoll Ranch, LLC; Barron Knoll
Secured Party: United States of America acting thru Farm Service Agency
(Includes other property)

Mortgage for Oregon, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;

- Dated: December 16, 2008
Recorded: December 19, 2008
Volume: 2008-016659, Microfilm Records of Klamath County, Oregon
Rerecorded: February 12, 2010
Volume: 2010-002266
Amount: \$279,900.00
Grantor: Knoll Ranch, LLC, an Oregon limited liability company, as to Parcels 1-5; B. Paulette Knoll and Grant Knoll, not as Tenants in Common, but with right of survivorship, as to Parcels 6-8; and B. Paulette Knoll, Trustee of the Knoll Family Trust dated January 22, 1992, as to Parcel 9
Grantee: United States of America, acting through the Farm Service Agency, united States Department of Agriculture
(Includes other property)

23. Financing Statement, subject to the terms and provisions thereof;
Recorded: April 23, 2009
Volume: 2009-005590, Microfilm Records of Klamath County, Oregon
Debtor: Kristen Knoll and Barron Knoll
Secured Party: Farm Credit Services of America, PCA

24. Financing Statements or Federal Tax Liens, if any filed with the Secretary of State.

25. This report does not include a search for financing statements filed in the office of the Secretary of State of this or any other State and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) wherein the lands are described other than by metes and bounds, under the rectangular survey system, or by lot and block.

END OF EXCEPTIONS

NOTE A: Taxes for the fiscal year 2010-2011 paid.

Account No:	3708-00000-00200-000	Key No:	376337
Amount:	\$17.78	Code No:	183
Account No:	3708-00000-00700-000	Key No:	376382
Amount:	\$90.69	Code No:	183
Account No:	3708-00000-00800-000	Key No:	376391
Amount:	\$65.53	Code No:	183
Account No:	3709-00600-00500-000	Key No:	376818
Amount:	\$519.34	Code No:	183
Account No:	3709-00600-00500-000	Key No:	602841
Amount:	\$145.33	Code No:	053
Account No:	M-092855	Key No:	M41092
Amount:	\$190.91	Code No:	183
Account No:	3709-00700-00500-000	Key No:	376863
Amount:	\$382.22	Code No:	183

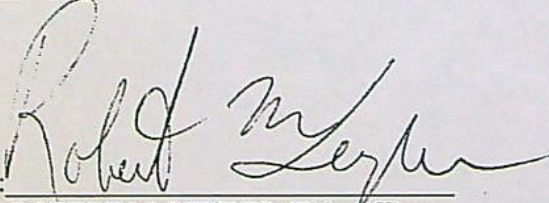
NOTE B: Per the Corporation Division of the State of Oregon the following is provided for informational purposes:

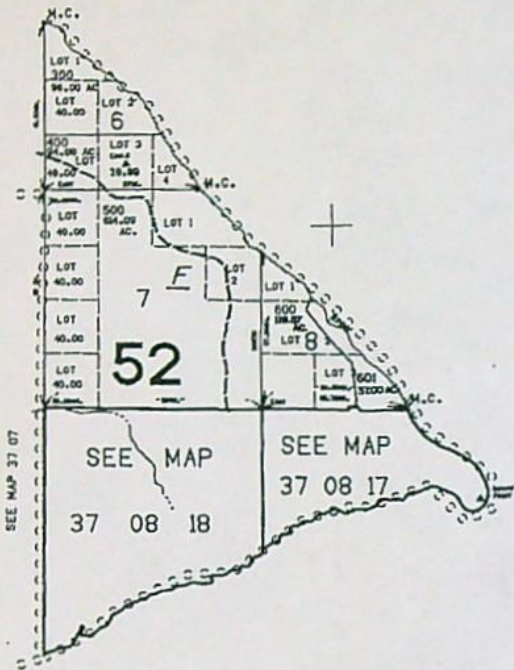
Knoll Ranch, LLC is an active Oregon limited liability company filed May 10, 2004. The Registered Agent is Kristen H. Knoll and the Members are Grant Knoll and Barron Knoll.

NOTE C: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

AmeriTitle

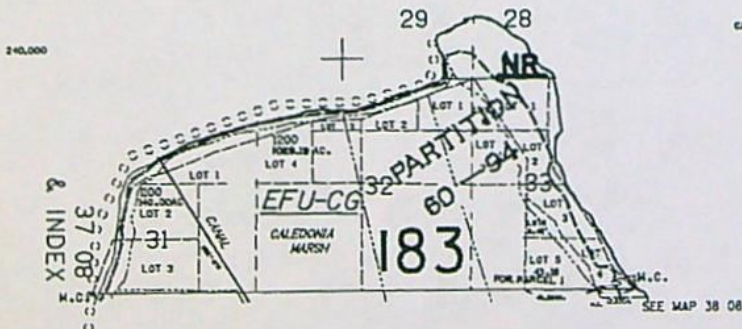
By: 
ROBERT M. LEYRER, Title Officer



SEE MAP 37 07
 SEE MAP 37 08 18
 SEE MAP 37 08 17

HOWARD BAY

UPPER

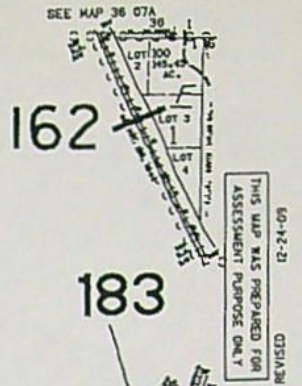


37 08
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CANCELLED M.C.S.
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TAX LOTTED ON 38 08

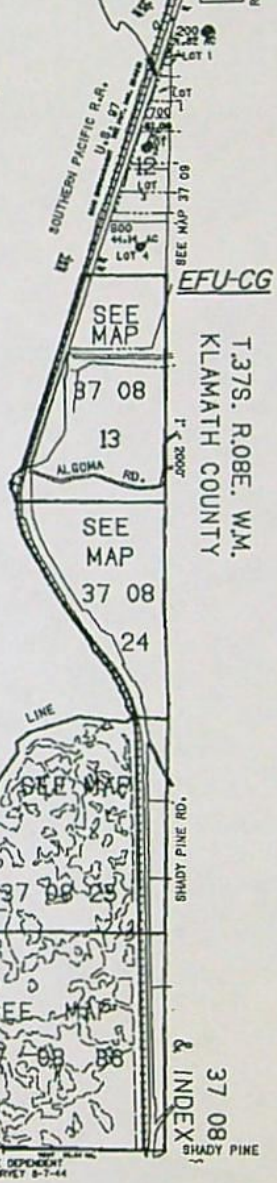


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183

60-12-12
 THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY
 CISION

LAKE
 KLAMATH



EFU-CG

T.37S. ROBE. WM.
 KLAMATH COUNTY

37 08
 & INDEX

ATTENTION

THIS SKETCH IS MADE SUBJECT TO THE
 PURPOSE OF ASSESSMENT AND NO LIABILITY IS
 CERTAIN OF ANY AND NO LIABILITY IS
 ASSUMED FOR THE SAME. ALL DIMENSIONS
 BY ACTION SURVEY

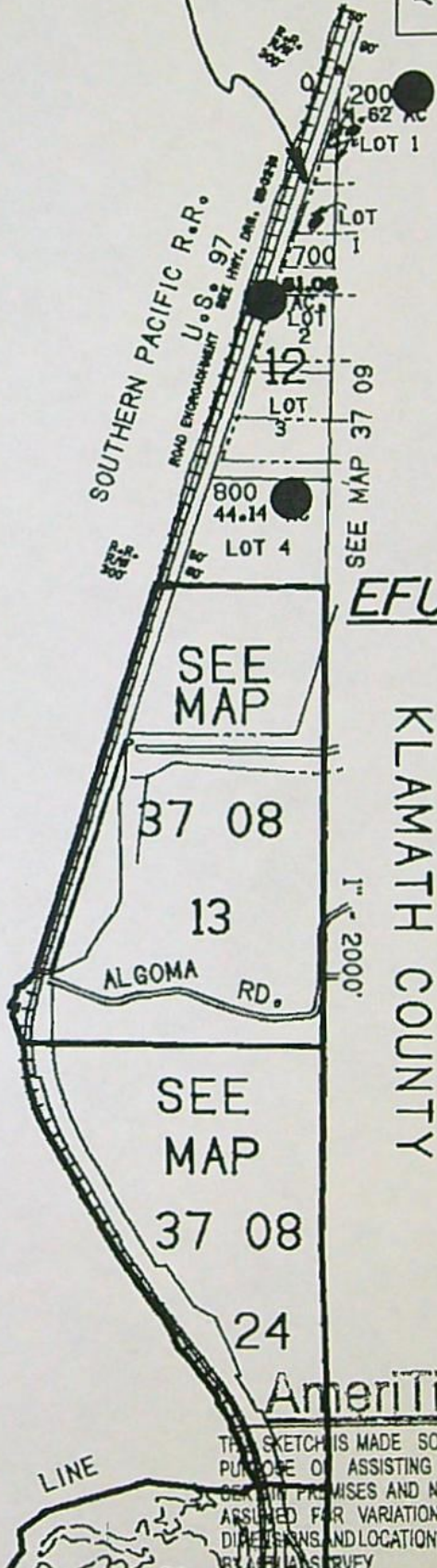
WAS PREPARED FOR
AGENT PURPOSE ONLY

REVISED

183

LAKE

KLAMATH



T.37S. R.08E. W.M.
KLAMATH COUNTY

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING
CERTAIN PREMISES AND NO LIABILITY IS
ASSIGNED FOR VARIATIONS IF ANY, IN
DIMENSIONS AND LOCATIONS ASCERTAINED
BY A FULL SURVEY

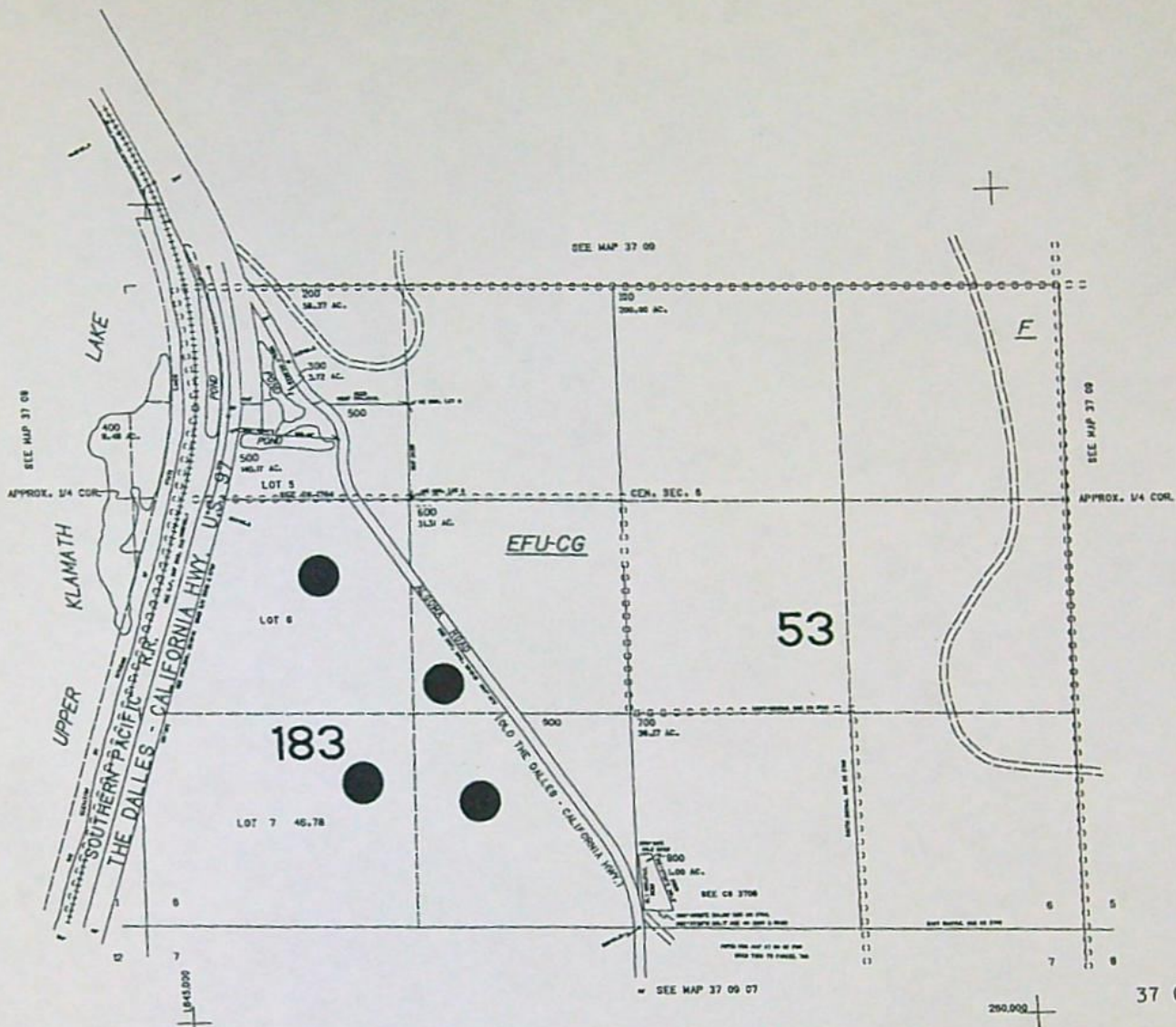


SOUTH POR. SEC. 6 T.37S. R.09E. WM.
 KLAMATH COUNTY

37 09 06

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

T-407



AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE
 PURPOSE OF ASSISTING IN LOCATING
 CERTAIN PREMISES AND NO LIABILITY IS
 ASSUMED FOR VARIATIONS IF ANY, IN
 DIMENSIONS AND LOCATIONS ASCERTAINED
 BY ACTUAL SURVEY



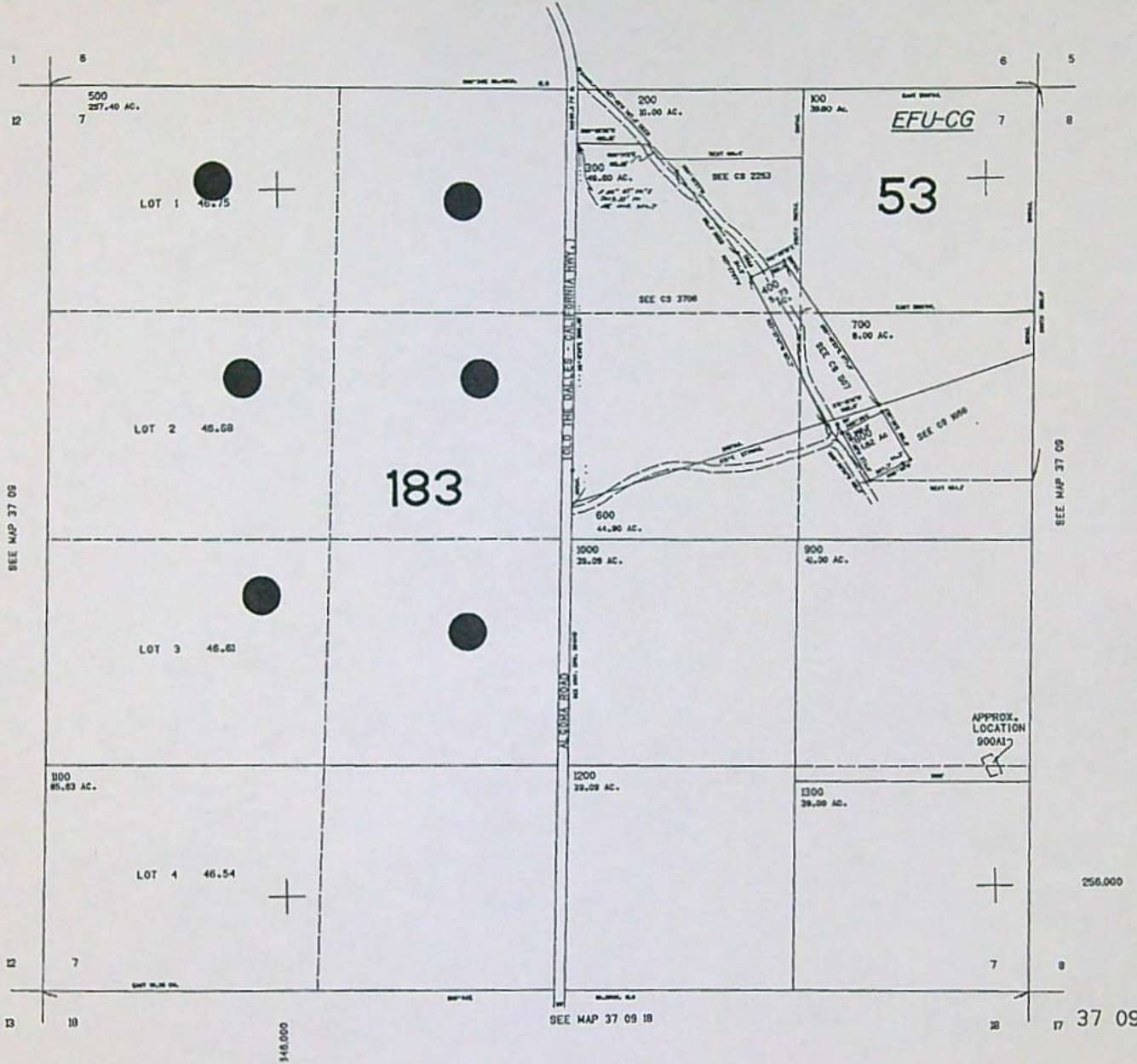
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SECTION 07 T.37S. R.09E. WM.
KLAMATH COUNTY

37 09 07

T-400'

SEE MAP 37 09 06



AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

 **FILE**

August 29, 2011

KNOLL RANCH LLC
BARRON & GRANT KNOLL
5429 REEDER RD
KLAMATH FALLS, OR 97603

SUBJECT: Water Right Transfer Application T-11266

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-11266. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

Please review the draft carefully to familiarize yourself with any requirements and evaluate whether the document is consistent with your intent in seeking the transfer. *Please respond in writing by the deadline provided below, whether you agree with the proposed action and whether there are any typographical errors that need to be corrected.*

A report of landownership for the lands to which the water right are appurtenant (the FROM lands) is required. **The report must be prepared by a title company.**

- 1) The title company's report must either be:
 - a) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - b) prepared within 3 months of recording of a water right conveyance agreement, or
 - c) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
- 2) The ownership report shall include:
 - a) Date reflected by the ownership information
 - b) List of owners at that time
 - c) Legal description of the property where the water right to be transferred is currently located.
- 3) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Conditions to your water right...

The Watermaster has required a water measurement device at the new diversion point. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.



Please pay special attention to Conditions #4 and #5 on pages 2 and 3, which describe the quantity and source of water. In addition, please look at Condition #8 on page 4, which sets a date for completion of the changes. If the required completion date is insufficient to comply with any of the requirements listed in this document, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

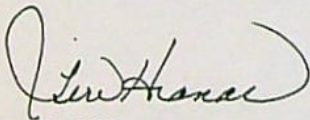
What happens next...

Once the preliminary determination is issued a publication period is required. Because the new point of diversion is more than ¼ mile from the authorized points of diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive the report of ownership and your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable). **If we do not receive your response and the report by September 29, 2011, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-986-0881 or Teri.K.Hranac@wr.d.state.or.us if I may be of assistance.

Sincerely,



Teri Hranac
Transfer Specialist
Transfer and Conservation Section

Enclosures

cc: T-11266
Scott White, District 17 Watermaster
Shannon Peterson, KBRT, 700 Main Street, # 201A, Klamath Falls, OR 97601

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-11266, Klamath County

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)
)
)
)

D R A F T
PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF AN
ADDITIONAL POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KNOLL RANCH, LLC
BARRON & GRANT KNOLL
5429 REEDER RD
KLAMATH FALLS, OR 97603

Findings of Fact

Background

1. On June 29, 2011, KNOLL RANCH, LLC, BARRON KNOLL and GRANT KNOLL, filed an application for an additional point of diversion under Certificate 44733. The Department assigned the application number T-11266.
2. On August 9, 2011, the applicant corrected a scrivener's error in the Evidence of Use Affidavit, and clarified that the change is for an additional point of appropriation.
3. The portion of the right to be transferred is as follows:
 - Certificate:** 44733 in the name of FREDERIC SCHILDMEYER; ROBERTA SCHILDMEYER (perfected under Permit S-35928)
 - Use:** IRRIGATION of 440.0 ACRES
 - Priority Date:** DECEMBER 2, 1971
 - Rate:** 11.0 CUBIC FEET PER SECOND
 - Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to of ONE-FORTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A SPRING and UNNAMED STREAM, tributary to the UPPER KLAMATH LAKE

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
37 S	9 E	WM	6	SW NW	5	2800 FEET NORTH AND 1130 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 1140 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 640 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
37 S	8 E	WM	1	SE SE	1 ✓	1.5
37 S	8 E	WM	12	NE NE	1 ✓	12.0
37 S	8 E	WM	12	SE NE	2 ✓	23.0
37 S	8 E	WM	12	NE SE	3 ✓	40.7
37 S	9 E	WM	6	NE SW	✓	2.2
37 S	9 E	WM	6	NW SW	6 ✓	29.8
37 S	9 E	WM	6	SW SW	7 ✓	45.9
37 S	9 E	WM	6	SE SW	✓	24.5
37 S	9 E	WM	7	NE NW	✓	38.0
37 S	9 E	WM	7	NW NW	1 ✓	47.2
37 S	9 E	WM	7	SW NW	2 ✓	47.2
37 S	9 E	WM	7	SE NW	✓	38.2
37 S	9 E	WM	7	NE SW	✓	39.9
37 S	9 E	WM	7	NW SW	3 ✓	49.9
TOTAL						440.0

4. Transfer Application T-11266 proposes an additional point of diversion approximately 2 miles downstream in Upper Klamath Lake located at:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
37 S	8 E	WM	13	SW NE	2	1850 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER OF SECTION 13

5. The proposed additional point of diversion is located on Upper Klamath Lake. The source of water under Certificate 44733 is listed as a Spring and an Unnamed Stream, tributary to Upper Klamath Lake. The Spring and Unnamed Stream flow into Upper Klamath Lake downstream from the original points of diversion. Water not diverted at the original points of diversion on the Unnamed Stream and Spring flow into Upper Klamath Lake and enters the lake "pool." The proposed additional point of diversion is on Upper Klamath Lake. The diversion rate at the proposed additional point of diversion (Upper Klamath Lake), together with the water diverted at the original points of diversion, cannot exceed water available for diversion at the original points of diversion (Spring and Unnamed Stream).

6. ORS 540.520 does not allow changes in the source of water. To avoid injury to junior users on Upper Klamath Lake, and to be in compliance with statutes, the source of water for this right remains a Spring and an Unnamed Stream which tributary to Upper Klamath Lake.
7. Notice of the application for transfer was published on July 5, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Transfer Review Criteria [OAR 690-380-4010(2)]

9. 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.
10. A pump, canal, 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-11266.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The additional point of diversion proposed in Transfer Application T-11266 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11266 is approved, the final order will include the following:

1. *The additional point of diversion proposed in application T-11266 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 44733 and any related decree.*
3. *Water right certificate 44733 is cancelled.*
4. *The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*

5. *Upper Klamath Lake is not the source of water for this right. Water diverted is limited to what is available at the original points of diversion (Spring and Unnamed stream) located in the SW NW of Section 6, Township 37 S, Range 9 E, W.M.*
6. *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 diversion.*
 - 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.*
7. *Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
8. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. 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.*
9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2011.

D R A F T

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@wrds.state.or.us.

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-11266

A measuring device suitable to the current means for delivering water will be required to be installed prior to diversion of water at the proposed point(s) of diversion or appropriation as a condition of this transfer.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Scott White

District: 17

Address: 5170 Summers Ln

City/State/Zip: Klamath Falls, OR 97603

Phone: (541) 883-4182

Email: scott.c.white@wrд.state.or.us

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T- _____
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A

STATE OF OREGON

COUNTY OF

KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FREDERIC & ROBERTA SCHILDMAYER**

of Rt. 3, Box 1306, Klamath Falls, State of Oregon, 97601, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a spring & unnamed stream

a tributary of Upper Klamath Lake for the purpose of irrigation of 440.0 acres

under Permit No. 35928 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 2, 1971

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 11.00 cubic feet per second, being 1.75 c.f.s. from the spring and 9.25 c.f.s. from the unnamed stream

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the All within Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 6, T. 37 S., R. 9 E., W. M., #1-2800 feet North and 1130 feet East, #2-2640 feet North and 1140 feet East, #3-2640 feet North and 640 feet East, #4-2640 feet North and 600 feet East, all from the SW Corner, Section 6

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, 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,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

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1.5 acres Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) ✓
Section 1

12.0 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) ✓

23.0 acres Lot 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) ✓

40.7 acres Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) ✓

Section 12

T. 37 S., R. 8 E., W. M.

2.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓

29.8 acres Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) ✓

45.9 acres Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) ✓

24.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓

Section 6

38.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓

47.2 acres Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) ✓

47.2 acres Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) ✓

38.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓

39.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓

49.9 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) ✓

Section 7

T. 37 S., R. 9 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 12, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36 , page 44733

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Knoll Ranch, LLC. Barron and Grant Knoll		PHONE NO. 541-281-1011	ADDITIONAL CONTACT NO. 541-891-7201
ADDRESS 5429 Reeder Road			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Klamath Basin Rangeland Trust, Shannon Peterson		PHONE NO. 541-273-2189	ADDITIONAL CONTACT NO. 541-973-5608
ADDRESS 700 Main St, 201A			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL speterson@kbrt.org

If an agent is listed above, please check one of the following:

- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Permanent Transfers Only (check one box)

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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I (we) affirm that the information contained in this application is true and accurate.



Grant Knoll
Applicant signature
Barron Knoll
Applicant signature

Grant Knoll
Name (and title if applicable) (print)
Barron Knoll
Name (and title if applicable) (print)

6-24-11
Date
6-24-11
Date

In your own words tell us what change(s) you want made and the reason for the change(s): There are currently two certified water rights (44733 and 67133) irrigating the applicant's land. Cert 44733 has PODs that take cool, clean spring water directly out of Barkley Springs, which is important habitat for endangered sucker fish. The applicants wish to instead divert all of their irrigation water from the POD for Certificate 67133, which takes water out of a canal fed by Upper Klamath Lake. Therefore, they are applying to add an additional POD to Certificate 44733, which will allow them to divert the irrigation water under Cert 44733 from the existing POD for Certificate 67133. There is NO CHANGE to the amount or location of land that is being irrigated. Please note that the applicants are requesting this change based on advice from the Oregon Department of Fish and Wildlife; the purpose of this request is to benefit fish habitat and water quality

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS		RECEIVED JUN 29 2011
Klamath County (Planning Department)	305 Main St #1		
CITY	STATE	ZIP	
Klamath Falls	OR	97601	

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 44733

Description of Water Delivery System

System capacity: 11 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Water is currently diverted from the existing PODs to supply a 150hp pump, which supplies water to the northern two-thirds of the property. From the PODs, the water enters a canal, and flows SE approximately 1750ft to the pump site. This pump supplies a pivot irrigation system and wheel lines to apply water to approximately 440 acres. Please see attached maps for further explanation.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	1/4	2/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1- A spring	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37 S	9 E	6	SW	NW	5	2800 FT N & 1130 FT E FM SW COR S6
2 - Unnamed stream	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37 S	9 E	6	SW	NW	5	2640 FT N & 1140 FT E FM SW COR S6
3&4 - unnamed stream	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37 S	9 E	6	SW	NW	5	3) 2640 FT N & 640 FT E 4) 2640 FT N & 600 FT E FM SW COR S6
5 - upper klamath lake	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		37 S	8 E	13	SW	NE	2	1850 FT S & 2400 FT N FM NE COR S13

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 44733

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Authorized ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES (no change in POU)										
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	
37	S	8	E	1	SE	SE	1	1.5	IRRIG	1,2,3,4	APOD	37	S	8	E	1	SE	SE	1	1.5	1-5
37	S	8	E	12	NE	NE	1	12.0	IRRIG	1,2,3,4	APOD	37	S	8	E	12	NE	NE	1	12.0	1-5
37	S	8	E	12	SE	NE	2	23.0	IRRIG	1,2,3,4	APOD	37	S	8	E	12	SE	NE	2	23.0	1-5
37	S	8	E	12	NE	SE	3	40.7	IRRIG	1,2,3,4	APOD	37	S	8	E	12	NE	SE	3	40.7	1-5
37	S	9	E	6	NE	SW		2.2	IRRIG	1,2,3,4	APOD	37	S	9	E	6	NE	SW		2.2	1-5
37	S	9	E	6	NW	SW	6	29.8	IRRIG	1,2,3,4	APOD	37	S	9	E	6	NW	SW	6	29.8	1-5
37	S	9	E	6	SW	SW	7	45.9	IRRIG	1,2,3,4	APOD	37	S	9	E	6	SW	SW	7	45.9	1-5
37	S	9	E	6	SE	SW		24.5	IRRIG	1,2,3,4	APOD	37	S	9	E	6	SE	SW		24.5	1-5
37	S	9	E	7	NE	NW		38.0	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NE	NW		38.0	1-5
37	S	9	E	7	NW	NW	1	47.2	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NW	NW	1	47.2	1-5
37	S	9	E	7	SW	NW	2	47.2	IRRIG	1,2,3,4	APOD	37	S	9	E	7	SW	NW	2	47.2	1-5
37	S	9	E	7	SE	NW		38.2	IRRIG	1,2,3,4	APOD	37	S	9	E	7	SE	NW		38.2	1-5
37	S	9	E	7	NE	SW		39.9	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NE	SW		39.9	1-5
37	S	9	E	7	NW	SW	3	49.9	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NW	SW	3	49.9	1-5
TOTAL ACRES							440.0	TOTAL ACRES							440.0						

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Transfer Application - Page 6 of 8

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Additional remarks: The applicant is filing for an additional POD for the water right evidenced by Cert 44733. The existing PODs are mapped accurately on the Final Proof Survey conducted by LE Gould on July 11, 1975. The additional POD will divert the original source of water out of the receiving water Body, Upper Klamath Lake, for the purpose of irrigating the appurtenant 440 acres. The additional point of diversion for Cert 44733 will be located at the existing POD for Certificate 67133 (which also irrigates land owned by the applicants) which is mapped accurately on the Final Proof Survey conducted on April 10 and October 16, 1990 by BW Bishop and revised January 29, 1991 by Bishop. No change to the water right evidenced by Cert 67133 will occur.

When the change is complete the two water rights will share a pump diversion and mainline capable of irrigating the entire acreage covered by both rights. Water will be pumped from the south up to the north up the center of the irrigated property from the point of diversion.

In summary: There are currently two certified water rights (44733 and 67133) irrigating the applicant's land. Cert 44733 has PODs that take cool, clean spring water directly out of Barkley Springs, which is critical habitat for endangered sucker fish. The applicants wish to instead divert all of their irrigation water from the POD for Certificate 67133, which takes water out of a canal fed by Upper Klamath Lake. Therefore, they are applying to add an additional POD to Certificate 44733, which will allow them to divert the irrigation water under Cert 44733 from the existing POD for Certificate 67133. There is NO CHANGE to the amount or location of land that is being irrigated. Please note that the applicants are requesting this change based on advice from the Oregon Department of Fish and Wildlife; the purpose of this request is to benefit fish habitat and water quality.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L- _____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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WATER RESOURCES DEPT
SALEM, OREGON

T 11266

STATE OF OREGON
 COUNTY OF KLAMATH
 CERTIFICATE OF WATER RIGHT

*Junior
 Per
 WRL*

THIS IS TO CERTIFY, that

GLEND A J. BUCHANAN
 DOROTHY M. & GLEN W. BUCHANAN
 of ROUTE 5, BOX 1251 KLAMATH FALLS OR 97601
 has a right to the use of the waters of UPPER KLAMATH LAKE
 a tributary of KLAMATH RIVER for the purpose of
 IRRIGATION.

The right has been perfected under Permit 46982. The date of priority is AUGUST 24, 1982. The right is limited to not more than 0.850 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source. The point of diversion is located in the

LOT 3, NW 1/4 SE 1/4, Section 13, T 37 S, R 08 E, WM;
 1470 FEET NORTH & 2450 FEET WEST FROM SE CORNER SECTION 13

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

	ACRES	1/4	1/4	LOT	SECTION	TOWNSHIP	RANGE,	WM
primary	5.20	NE	SE		13	37 S	08 E	
primary	9.60	SW	SE	4	13	37 S	08 E	
primary	32.20	SE	SE		13	37 S	08 E	
Total:	47.00	acres.						

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date, FEBRUARY 3, 1988.

/S/ WILLIAM H. YOUNG

 Water Resources Director

Recorded in State Record of Water Right Certificates number 56741
 63938

BASIN 14 VOL 1 AGENCY L & MISC DIST 17

*mad atfw
review*

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-11266, Klamath County)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF AN
) ADDITIONAL POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KNOLL RANCH, LL
BARRON KNOLL
GRANT KNOLL
5429 REEDER RD
KLAMATH FALLS,

Needs ODFW review
Dorothy
Please check highlighted sections to see if I'm headed in the right direction.
Thanks, Lew

Findings of Fact

Background

1. On June 29, 2011, BARRON KNOLL and GRANT KNOLL, filed an application for a Transfer Certificate 44733. The Department assigned the application to Dorothy.
2. On August 1, 2011, the applicant corrected an error in the Evidence of Use Affidavit, and clarified that the change is for an additional point of appropriation.

3. The portion of the right to be transferred is as follows:

Certificate: 44733 in the name of FREDERIC SCHILDMEYER; ROBERTA SCHILDMEYER (perfected under Permit S-35928)

Use: IRRIGATION of 440.0 ACRES

Priority Date: DECEMBER 2, 1971

Rate: 11.0 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to of ONE-FORTIETH 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

*med staff
review*

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-11266, Klamath County

)
) **D R A F T**
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF AN
) ADDITIONAL POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KNOLL RANCH, LLC
BARRON KNOLL
GRANT KNOLL
5429 REEDER RD
KLAMATH FALLS, OR 97603

Findings of Fact

Background

1. On June 29, 2011, KNOLL RANCH, LLC, BARRON KNOLL and GRANT KNOLL, filed an application for an additional point of diversion under Certificate 44733. The Department assigned the application number T-11266.
2. On August __, 2011, the applicant corrected a scrivener's error in the Evidence of Use Affidavit, and clarified that the change is for an additional point of appropriation.
3. The portion of the right to be transferred is as follows:
 - Certificate:** 44733 in the name of FREDERIC SCHILDMEYER; ROBERTA SCHILDMEYER (perfected under Permit S-35928)
 - Use:** IRRIGATION of 440.0 ACRES
 - Priority Date:** DECEMBER 2, 1971
 - Rate:** 11.0 CUBIC FEET PER SECOND
 - Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to of ONE-FORTIETH 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

3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A SPRING and UNNAMED STREAM, tributary to the UPPER KLAMATH LAKE

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
37 S	9 E	WM	6	SW NW	5	2800 FEET NORTH AND 1130 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 1140 FEET EAST FRMO THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 640 FEET EAST FROM THE SW CORNER OF SECTION 6
37 S	9 E	WM	6	SW NW	5	2640 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
37 S	8 E	WM	1	SE SE	1	1.5
37 S	8 E	WM	12	NE NE	1	12.0
37 S	8 E	WM	12	SE NE	2	23.0
37 S	8 E	WM	12	NE SE	3	40.7
37 S	9 E	WM	6	NE SW		2.2
37 S	9 E	WM	6	NW SW	6	29.8
37 S	9 E	WM	6	SW SW	7	45.9
37 S	9 E	WM	6	SE SW		24.5
37 S	9 E	WM	7	NE NW		38.0
37 S	9 E	WM	7	NW NW	1	47.2
37 S	9 E	WM	7	SW NW	2	47.2
37 S	9 E	WM	7	SE NW		38.2
37 S	9 E	WM	7	NE SW		39.9
37 S	9 E	WM	7	NW SW	3	49.9
TOTAL						440.0

4. Transfer Application T-11266 proposes an additional point of diversion approximately 2 miles downstream in Upper Klamath Lake located at:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
37 S	8 E	WM	13	SW NE	2	1850 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER OF SECTION 13

5. Notice of the application for transfer was published on July 5, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. The proposed additional point of diversion is located on Upper Klamath Lake. The source of water under Certificate 44733 is listed as Springs and an Unnamed Stream, tributary to Upper Klamath Lake. ORS 540.520 does not allow changes in the source of water. To avoid injury to junior users on Upper Klamath Lake, and to be in compliance with statutes,

the source of water for this right remains Springs and an Unnamed Stream, tributary to Upper Klamath Lake. (Upper Klamath Lake is determined to be a conduit for delivery of the water to the proposed point of diversion.)

which are

replace with something more like T-11116

1126611266ADD HERE – ODFW screening option. Screening Findings and Conditions

Transfer Review Criteria [OAR 690-380-4010(2)]

8. 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.
9. A pump, canal, 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-11266.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The additional point of diversion proposed in Transfer Application T-11266 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11266 is approved, the final order will include the following:

1. *The additional point of diversion proposed in application T-11266 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 44733 and any related decree.*
3. *Water right certificate 44733 is cancelled.*
4. *The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*

See T-1115.6

example for ideas.
Upper Klamath Lake is not ~~considered~~ ^{the} a source of water for this right. Water ^{diverted} must be ~~is~~ limited to what is ~~available~~ available at the original points of diversion (spring and unnamed stream) located in the SW NW of Section 6, Township 37 S, Range 9 E, W.M.

6. *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 diversion.

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.

7. ADD HERE – ODFW screening option Screening Findings and Conditions

8. ADD HERE – any other conditions to which the applicant has agreed.

9. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. 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.

10. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this _____ day of _____ 2011.

D R A F T

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@wrds.state.or.us.

Teri Hranac

From: Dorothy Pedersen
Sent: Thursday, August 04, 2011 9:02 AM
To: Teri Hranac
Subject: POD move downstream to a lake

Teri,

Here is some language copied from T-11116, which proposed to allow an additional POD in Devils Lake for a Rock Creek right (a tributary of Devils Lake):

1. Rock Creek flows into Devils Lake downstream from the original PODs. Water not diverted at the original PODs on Rock Creek flows into Devils Lake and enters the lake "pool." The proposed POD is on Devils Lake. The diversion rate at the proposed POD cannot exceed the amount of water available for diversion at the original PODs. As a result, water not diverted at the original PODs could be appropriated at the proposed POD. Therefore, the proposal to access 0.5 cfs from the lake "pool" via the proposed POD (if the flow available at the original authorized points of diversion is equal to 0.5 cfs or greater) can be allowed as coming from the same source as that authorized by the water right.
2. If approved, calculation of inflow and outflow in Devils Lake in relation to a condition of Water Right Permit S-52672, *[the inflow/outflow calculation was special language to address a specific condition in that water right]* will consider water that is being diverted from the proposed "Siletz POD" as a diversion from Rock Creek, rather than from Devils Lake. Thus, the change will not adversely affect the Devils Lake Water Improvement District's water rights under Certificate 69267 and Permits S-52672 and S-11968.

Condition (this one was an additional POD):

3. The quantity of water diverted at the additional point of diversion is limited to no more than 0.5 cfs and, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

I thought you might find this helpful in crafting what will be suitable for the T-11266 application.

Dorothy Pedersen
Transfer Program Advisor
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266
(503) 986-0890

Places of Use from Water Rights in the Same Area

The following rights have acreage in the same quarter-quarter as Cert:44733 OR *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres	
<u>CLAIM:KL 391</u> *	U.S. FOREST SERVICE						NC	RF	37.00S-09.00E-06-	?	0	11	0.0000
								RF	37.00S-09.00E-06-	?	0	11	0.0000
								RF	37.00S-09.00E-06-	?	0	11	0.0000
								RF	37.00S-09.00E-06-	?	0	11	0.0000
<u>CERT:42506 OR</u> *	COUNTY OF KLAMATH ENGINEERS OFFICE	R-49185	R-5985	42506	4/26/1972	NC	RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		11		
							RC	37.00S-09.00E-06-	?		11		
							RC	37.00S-09.00E-06-	?		11		
							RC	37.00S-09.00E-06-	?		11		
<u>APP:RW 74016</u> *	EARL E KESSLER		RW-74016			4/11/1994	NC	RW	37.00S-09.00E-06-	?			
								RW	37.00S-09.00E-06-	?			
								RW	37.00S-09.00E-06-	?			
								RW	37.00S-09.00E-06-	?			
<u>CERT:42507 OR</u> *	COUNTY OF KLAMATH ENGINEERS OFFICE	S-49186	S-36872	42507	4/26/1972	NC	IR	37.00S-09.00E-06-	?		5	0.9000	
							IR	37.00S-09.00E-06-	?		5	0.9000	
							IR	37.00S-09.00E-06-	?		5	0.9000	
							IR	37.00S-09.00E-06-	?		5	0.9000	
							IR	37.00S-09.00E-06-	?		11	2.2000	
							IR	37.00S-09.00E-06-	?		11	2.2000	
							IR	37.00S-09.00E-06-	?		11	2.2000	
							IR	37.00S-09.00E-06-	?		11	2.2000	
							RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		5		
							RC	37.00S-09.00E-06-	?		11		
							RC	37.00S-09.00E-06-	?		11		
<u>PERMIT: S 48979</u> *	U.S. WINEMA NATIONAL FOREST	S-64177	S-48979			9/27/1982	NC	IM	37.00S-08.00E-01-SESE	?			
								IM	37.00S-09.00E-06-	?		1	
								IM	37.00S-09.00E-06-	?		1	
								IM	37.00S-09.00E-06-	?		1	
								IM	37.00S-09.00E-06-	?		1	
								IM	37.00S-09.00E-06-	?		2	

Road Watering

Road Watering

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **KLAMATH COUNTY**
A Municipal Corporation
c/o Engineers Office 97601
of Courthouse, Klamath Falls, State of Oregon, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
an unnamed stream from Barkley Springs, tributary of Klamath Lake, appropriated
under Application No. 49186, Permit No. 36672, in Barkley Springs Reservoir

for the purposes of
recreation
under Reservoir Permit No. R-5985 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from April 26, 1972

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 3.5 acre feet

The reservoir is located in

Government Lot 11
Government Lot 5
Section 6
T. 37 S., R. 9 E., W. M.

WITNESS the signature of the State Engineer, affixed

this date. September 15, 1975

James L. Sexson
Water Resources Director

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **KLAMATH COUNTY**
A Municipal Corporation
c/o Engineers Office 97601

of Courthouse, Klamath Falls, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream and reservoir constructed under Application No. R-49185, Permit No. R-5985 a tributary of Klamath Lake for the purpose of recreation and irrigation of 3.1 acres

under Permit No. 36872 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 26, 1972

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.12 cubic foot per second, being 0.04 c.f.s. from stream and reservoir for recreation and 0.08 c.f.s. from stream for irrigation

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 5, Section 6, T. 37 S., R. 9 E., W. M., 174 feet South and 742 feet West from NE Corner, Government Lot 5, Section 6.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow 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; from direct flow and reservoir constructed under permit No. R-5985,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 2.2 acres and recreation Government Lot 11
- 0.9 acre and recreation Government Lot 5
- Section 6
- T. 37 S., R. 9 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed
this date. September 15, 1975

James E. Saxon
Water Resources Director ~~State Engineer~~



STATE OF OREGON

County of KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 64177 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to U.S. Government, Winema National Forest of PO Box 1390, Klamath Falls, Oregon 97601, phone 882-7761, for the use of the waters of an unnamed stream, a tributary of Upper Klamath Lake, provided the total quantity diverted shall not * for the PURPOSE of road construction and maintenance

that the PRIORITY OF THE RIGHT dates from September 27, 1982

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.0 cubic foot per second

The POINT OF DIVERSION is to be LOCATED: 250 feet North and 1100 feet East from the W 1/2 Corner of Section 6, being within Lot 5 (SW 1/4 NW 1/4) of Section 6, Township 37 South, Range 9 East, WM, in the County of Klamath.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

* exceed 2.0 acre-feet per year,

Township 36 South, Range 7 East, WM	Section 13 14 and 22 through 26	ALL	Road construction, maintenance and dust
	Section 36	ALL	
	Section 15	E 1/2	abatement
Township 36 South, Range 8 East, WM	Section 14 through 23 26 through 35	ALL	
Township 37 South, Range 8 East, WM	Section 1	ALL	
Township 37 South, Range 9 East, WM	Section 6	Lots 1,2,3,8 9,10 and 11	

Actual construction work shall begin on or before December 7, 1985, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1986.

Complete application of the water to the proposed use shall be made on or before October 1, 1987.

Witness my hand this 7th day of December, 1984.

/s/ WILLIAM H. YOUNG

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 64177

PERMIT

48979

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FORNEY W. AND JENNIFER D. SCRONCE
PO BOX 221
MERRILL, OREGON 97633

confirms the right to use the waters of KLAMATH LAKE, a tributary of THE KLAMATH RIVER, for THE IRRIGATION OF 350.0 ACRES.

This right was perfected under Permit 41590. The date of priority is MAY 31, 1977. This right is limited to 8.75 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2 (SW 1/4 NE 1/4), SECTION 13, T 37 S, R 8 E, W.M.; 1850 FEET SOUTH AND 2400 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 13.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

LOT 4 (SW 1/4 SE 1/4)	9.9 ACRES
LOT 4 (SE 1/4 SE 1/4)	40.0 ACRES
SECTION 12	

NE 1/4 NE 1/4	39.8 ACRES
LOT 1 (NW 1/4 NE 1/4)	22.1 ACRES
LOT 2 (SW 1/4 NE 1/4)	9.6 ACRES
SE 1/4 NE 1/4	12.6 ACRES
SECTION 13	

TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M

LOT 4 (SW 1/4 SW 1/4)	46.0 ACRES
SE 1/4 SW 1/4	39.1 ACRES
SW 1/4 SE 1/4	36.3 ACRES
SECTION 7	

NE 1/4 NW 1/4	37.3 ACRES
LOT 1 (NW 1/4 NW 1/4)	45.9 ACRES
LOT 2 (SW 1/4 NW 1/4)	10.2 ACRES
SE 1/4 NW 1/4	1.2 ACRES
SECTION 18	

TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 26, 1992.

/s/ WILLIAM H. YOUNG
William H. Young

Recorded in State Record of Water Right Certificates numbered 67133.

55994.BB

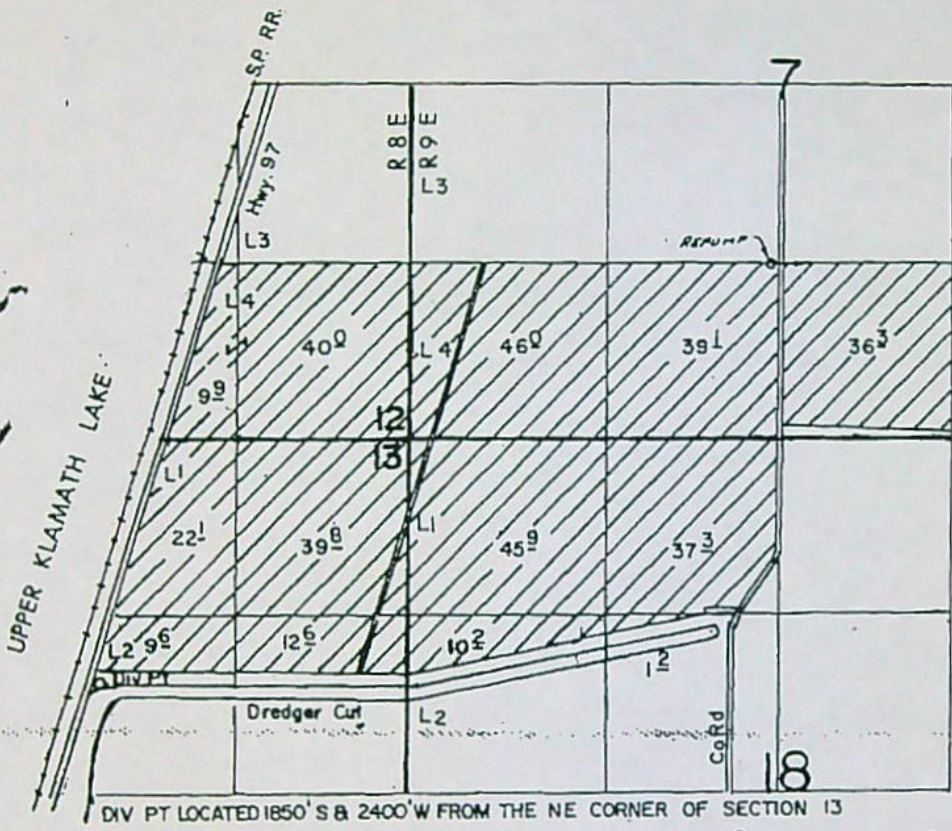
RECEIVED

JUN 29 2011

WATER RESOURCES DEPT
SALEM, OREGON

41590
67133

T.37S.,R.88&9E., W.M.



DIV PT LOCATED 1850' S & 2400' W FROM THE NE CORNER OF SECTION 13

and will be the new APOD for certificate 414733.

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. 55894... Permit No. 41590.....
IN NAME OF
FORNEY W. & JENNIFER D. SCRONCE

Surveyed APRIL 10, 1990, by R.W. BISHOP.....
Oct. 16 1990

RECEIVED

JUN 29 2011
WATER RESOURCES DEPT
SALEM, OREGON

T 11266

41035-178-179D

REVISED 1-29-91 RJB
6-14-90 DLM.

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-11266

A. Please check box if you believe there is a potential for injury to an instream water right.

- The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____, tributary to _____.
(Stream)

Because, _____.
(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion

*Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271*

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

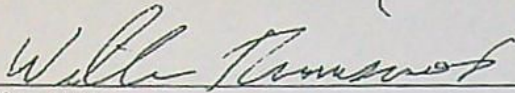
4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-

pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.



Signature

William Tinniswood
Printed Name

Assistant Fish Biologist
Title

(541) 883-5732
Phone

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-11266

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (_____) _____

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (_____) _____

Teri Hranac

From: William Tinniswood [william.r.tinniswood@state.or.us]
Sent: Friday, August 26, 2011 9:04 AM
To: Teri Hranac
Subject: FW: T11266

Attachments: ODFW transfer 11266 comment form 8-15-2011.pdf

Sorry, I have been sending this to Sarah Henderson

From: William Tinniswood
Sent: Monday, August 15, 2011 11:59 AM
To: 'sarah.a.henderson@wrд.state.or.us'
Subject: T11266

ODFW in cooperation with Bureau of Reclamation are currently working on screening at the new point of diversion. ODFW has preferred that the diversion be moved from Barkley Spring due to the fact that suckers use this area more frequently than Algoma Pond. The high quality spring water of Barkley Spring was once spawning habitat for endangered suckers in Upper Klamath Lake. Barkley Spring also serves as thermal refuge in the summer from poor water quality in Upper Klamath Lake. Barkley Springs diversion was not screened. The diversion off Algoma Pond is currently being used by other landowners with different water rights.

Thanks

William R. Tinniswood
Assistant District Fish Biologist
Klamath Watershed District Office (Oregon Department of Fish and Wildlife)
1850 Miller Island Road West
Klamath Falls, OR 97603
Phone: (541)883-5732 ext. 24 Fax: (541)883-5521
Cell: (541)891-4625 Personal Cell: (541) 281-9199
william.r.tinniswood@state.or.us



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-11266

Review Due Date: 7/30/11

Applicant Name: Knoll Ranch, LLC

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Scott White, Tyler Martin

Date of Review: Jun. 30, 2011

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

4. Are there upstream water rights that would be affected by the proposed change?
 Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
 Yes No If "Yes", explain: The applicant is proposing an additional POD to somewhat of a different source of water (Klamath Lake vs. Barkley Springs). Certificate 44733 (source: Barkley Springs), currently owned by the applicant, would have the senior right at the proposed APOD. In low water years, as lake levels recede, there is a potential to regulate off certificates, 56741 and 67133 (67133 is partially owned by the applicant).
7. For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____

9. Are there other issues not identified through the above questions? Yes No If "Yes", explain: Proposal is for APOD, but table 2 on the application only lists POD 5 as the future source rather than 1,2,3,4 and 5 as would be the case for an additional POD. Also, under "additional remarks, the applicant suggests that they will only be using the proposed POD. Is the applicant intending to abandon the "Barkley Springs" and "Unnamed Stream PODs"? If so, what is the reasoning for an additional POD vs. a POD transfer?
10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? Yes No
12. The checked water control and measurement conditions should be included in the transfer:

Headgates: <input type="checkbox"/> NA	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
---	--	--	---

Measurement Devices:

- The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*

Surface Water Diversion or Groundwater Point of Appropriation:

- The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion/appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*
- Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*
- 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 diversion/appropriation.*
 - The water user shall maintain the meters or measuring devices in good working order.*
 - 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.*

Reservoirs:

- The Director may require the water user to install staff gages or other suitable measuring devices that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style. Additionally, if the reservoir is located in-channel, weirs or other suitable measuring devices may be required upstream and downstream of the reservoir, and an adjustable outlet valve may be required. If the Director notifies the water user to install adjustable outlet valves, staff gages, weirs, or other suitable measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the devices in good working order and shall allow the Watermaster access to the devices.*
- Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*
- Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*
 - Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet*

valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

- | | | |
|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor | |

Watermaster Review Form

Transfer Application: T-11266

Salem, OR 97301-1266

Teri Hranac

From: Shannon Peterson [speterson@kbrt.org]
Sent: Tuesday, August 09, 2011 3:39 PM
To: teri.k.hranac@state.or.us
Subject: KBRT: Knoll Ranch Transfer Application clarification

Hello Teri ~

I am writing in response to your phone call last week about the Knoll Ranch Transfer Application submitted by the Klamath Basin Rangeland Trust.

I wanted to clarify two items we discussed on the phone.

1) This application is to create an Additional Point of Diversion for Cert 44733 at the new location specified. We would like to maintain the existing 44733 POD's, at least for the time being. It should be noted that the additional (new) POD is located at the existing POD for another one of the Knoll's water rights, Cert 67133.

2) There is a scrivener's error on the Evidence of Use Affidavit. The Place of Use chart incorrectly referred to T37S R8E. The correct place of use is in T37S R6E.

Thanks again for your work on this. Please don't hesitate to contact me as other questions arise.

Thank you ~
Shannon

Shannon Peterson
Executive Director
Klamath Basin Rangeland Trust
700 Main St, #201A
Klamath Falls, OR 97601
Phone: 541-273-2189
Fax: 541-273-0921
Cell: 541-973-5608



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 30, 2011

KNOLL RANCH LLC
BARRON & GRANT KNOLL
5429 REEDER RD
KLAMATH FALLS, OR 97603

Reference: Application T- 11266

On June 29, 2011, we received your water right Transfer application. The application was accompanied by \$900.00. Our receipt number 103270 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of [diversion *or* appropriation] until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503)986-0883.

Cc: Watermaster Dist. #17 (via e-mail)
ODFW (via e-mail)
Klamath Basin Rangeland Trust, Agent
Klamath County Planning

Enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
July 5, 2011**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: KLAMATH
Transfer: 11266
Water Right: CERT 44733
Priority Date: DECEMBER 2, 1971
Name: KNOLL RANCH LLC, BARRON & GRANT KNOLL
Address: 5429 REEDER RD, KLAMATH FALLS OR 97601
Change: APOD
Source: A SPRING, UNNAMED STREAMS

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

Application for Water Right Transfer

Part 1 of 4 - Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 - Completed Minimum Requirements Checklist.
- Part 2 - Completed Transfer Application Map Checklist.
- Part 3 - Completed Transfer Application - Applicant Information and Signature.
- Part 4 - Completed Transfer Application - Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: **44733.**

RECEIVED

Attachments:

- Completed Transfer Application Map. **(WAIVER from KYLE GORMAN)**
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees - Amount enclosed: \$ **900.00**.
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.

JUN 29 2011
 WATER RESOURCES DEPT
 SALEM, OREGON

- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D - For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- N/A For Temporary Transfer (one to five years) Begin Year ____ End Year ____.
- N/A For Temporary Transfer only - Current recorded deed for the land **from** which the authorized place of use is being moved.
- N/A Temporary Drought Transfer (For use in counties where the Governor has declared drought)

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- Application fee not enclosed/insufficient
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Map not included or incomplete
- Part ____ is incomplete

Other/Explanation _____
 Staff: _____ 503-986-0____ Date: ____/____/____

T 11266

Part 2 of 4 – Transfer Application Map Checklist –

WAIVER FROM FULL MAP REQUIREMENTS BY KYLE GORMAN, REGIONAL MGR

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf. CWRE stamp and signature are not required for temporary changes and substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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JUN 29 2011

WATER RESOURCES DEPT
SALEM, OREGON

T 11266

Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Knoll Ranch, LLC. Barron and Grant Knoll		PHONE NO. 541-281-1011	ADDITIONAL CONTACT NO. 541-891-7201
ADDRESS 5429 Reeder Road			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Klamath Basin Rangeland Trust, Shannon Peterson		PHONE NO. 541-273-2189	ADDITIONAL CONTACT NO. 541-973-5608
ADDRESS 700 Main St, 201A			FAX NO.
CITY Klamath Falls	STATE OR	ZIP 97601	E-MAIL speterson@kbrt.org

If an agent is listed above, please check one of the following:

- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.

- Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Permanent Transfers Only (check one box)

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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JUN 29 2011

WATER RESOURCES DEPT
SALEM, OREGON

I (we) affirm that the information contained in this application is true and accurate.



Grant Knoll
Applicant signature
Barron Knoll
Applicant signature

Grant Knoll
Name (and title if applicable) (print)
Barron Knoll
Name (and title if applicable) (print)

6-24-11
Date
6-24-11
Date

In your own words tell us what change(s) you want made and the reason for the change(s): There are currently two certified water rights (44733 and 67133) irrigating the applicant's land. Cert 44733 has PODs that take cool, clean spring water directly out of Barkley Springs, which is important habitat for endangered sucker fish. The applicants wish to instead divert all of their irrigation water from the POD for Certificate 67133, which takes water out of a canal fed by Upper Klamath Lake. Therefore, they are applying to add an additional POD to Certificate 44733, which will allow them to divert the irrigation water under Cert 44733 from the existing POD for Certificate 67133. There is NO CHANGE to the amount or location of land that is being irrigated. Please note that the applicants are requesting this change based on advice from the Oregon Department of Fish and Wildlife; the purpose of this request is to benefit fish habitat and water quality

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

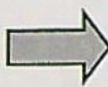
Describe any special ownership circumstances here: _____

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS		RECEIVED JUN 29 2011 WATER RESOURCES DEPT SALEM, OREGON
Klamath County (Planning Department)	305 Main St #1		
CITY	STATE	ZIP	
Klamath Falls	OR	97601	

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

T 111260

Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 44733

Description of Water Delivery System

System capacity: 11 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Water is currently diverted from the existing PODs to supply a 150hp pump, which supplies water to the northern two-thirds of the property. From the PODs, the water enters a canal, and flows SE approximately 1750ft to the pump site. This pump supplies a pivot irrigation system and wheel lines to apply water to approximately 440 acres. Please see attached maps for further explanation.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1- A spring	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37	S	9	E	6	SW	NW	5	2800 FT N & 1130 FT E FM SW COR S6
2 - Unnamed stream	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37	S	9	E	6	SW	NW	5	2640FT N & 1140 FT E FM SW COR S6
3&4 - unnamed stream	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		37	S	9	E	6	SW	NW	5	3) 2640 FT N & 640 FT E 4) 2640 FT N & 600 FT E FM SW COR S6
5 - upper klamath lake	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		37	S	8	E	13	SW	NE	2	1850 FT S & 2400 FT N FM NE COR S13

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

WATER RESOURCES DEPT
 SALEM, OREGON

T 11266

Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 44733

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Authorized ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES (no change in POU)													
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acre (if applicable)	New Type of USE	POD(s)/POA(s) to be used (from Table 1)				
37	S	8	E	1	SE	SE		1	1.5	IRRIG	1,2,3,4	APOD	37	S	8	E	1	SE	SE		1	1.5		5
37	S	8	E	12	NE	NE		1	12.0	IRRIG	1,2,3,4	APOD	37	S	8	E	12	NE	NE		1	12.0		5
37	S	8	E	12	SE	NE		2	23.0	IRRIG	1,2,3,4	APOD	37	S	8	E	12	SE	NE		2	23.0		5
37	S	8	E	12	NE	SE		3	40.7	IRRIG	1,2,3,4	APOD	37	S	8	E	12	NE	SE		3	40.7		5
37	S	9	E	6	NE	SW			2.2	IRRIG	1,2,3,4	APOD	37	S	9	E	6	NE	SW			2.2		5
37	S	9	E	6	NW	SW		6	29.8	IRRIG	1,2,3,4	APOD	37	S	9	E	6	NW	SW		6	29.8		5
37	S	9	E	6	SW	SW		7	45.9	IRRIG	1,2,3,4	APOD	37	S	9	E	6	SW	SW		7	45.9		5
37	S	9	E	6	SE	SW			24.5	IRRIG	1,2,3,4	APOD	37	S	9	E	6	SE	SW			24.5		5
37	S	9	E	7	NE	NW			38.0	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NE	NW			38.0		5
37	S	9	E	7	NW	NW		1	47.2	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NW	NW		1	47.2		5
37	S	9	E	7	SW	NW		2	47.2	IRRIG	1,2,3,4	APOD	37	S	9	E	7	SW	NW		2	47.2		5
37	S	9	E	7	SE	NW			38.2	IRRIG	1,2,3,4	APOD	37	S	9	E	7	SE	NW			38.2		5
37	S	9	E	7	NE	SW			39.9	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NE	SW			39.9		5
37	S	9	E	7	NW	SW		3	49.9	IRRIG	1,2,3,4	APOD	37	S	9	E	7	NW	SW		3	49.9		5
TOTAL ACRES							440.0											TOTAL ACRES	440.0					

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Additional remarks: The applicant is filing for an additional POD for the water right evidenced by Cert 44733. The existing PODs are mapped accurately on the Final Proof Survey conducted by LE Gould on July 11, 1975. The additional POD will divert the original source of water out of the receiving water Body, Upper Klamath Lake, for the purpose of irrigating the appurtenant 440 acres. The additional point of diversion for Cert 44733 will be located at the existing POD for Certificate 67133 (which also irrigates land owned by the applicants) which is mapped accurately on the Final Proof Survey conducted on April 10 and October 16, 1990 by BW Bishop and revised January 29, 1991 by Bishop. No change to the water right evidenced by Cert 67133 will occur.

When the change is complete the two water rights will share a pump diversion and mainline capable of irrigating the entire acreage covered by both rights. Water will be pumped from the south up to the north up the center of the irrigated property from the point of diversion.

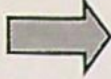
In summary: There are currently two certified water rights (44733 and 67133) irrigating the applicant's land. Cert 44733 has PODs that take cool, clean spring water directly out of Barkley Springs, which is critical habitat for endangered sucker fish. The applicants wish to instead divert all of their irrigation water from the POD for Certificate 67133, which takes water out of a canal fed by Upper Klamath Lake. Therefore, they are applying to add an additional POD to Certificate 44733, which will allow them to divert the irrigation water under Cert 44733 from the existing POD for Certificate 67133. There is NO CHANGE to the amount or location of land that is being irrigated. Please note that the applicants are requesting this change based on advice from the Oregon Department of Fish and Wildlife; the purpose of this request is to benefit fish habitat and water quality.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Water Right Transfer Supplemental Form Map Waiver

The Director may waive or assist a transfer applicant in satisfying the map requirement (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: Knoll Ranch, LLC

Water Right(s) to be transferred: 44733

1. The transfer **must** be one of the following. Please check the appropriate box.

- An instream transfer application filed pursuant to ORS 537.348.
- A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
- The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

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2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.

- The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or
- A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

3. For a transfer application meeting any one of the criteria identified in #1 (including an instream transfer application), a map waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

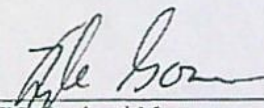
~~The applicant is adding an additional point of diversion for Certificate 44733 at the location of the diversion for Certificate 67133.~~

~~The existing diversions for Certificate 44733 and for Certificate 67133 are accurately mapped on the final proof survey for each water right.~~

~~Therefore, the final proof survey maps are submitted in place of a new map to decrease cost and more efficiently complete the project.~~

4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a map waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:

- A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.
- The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.

Signature: 
OWRD Regional Manager, SC Region

Date: 12-18-09

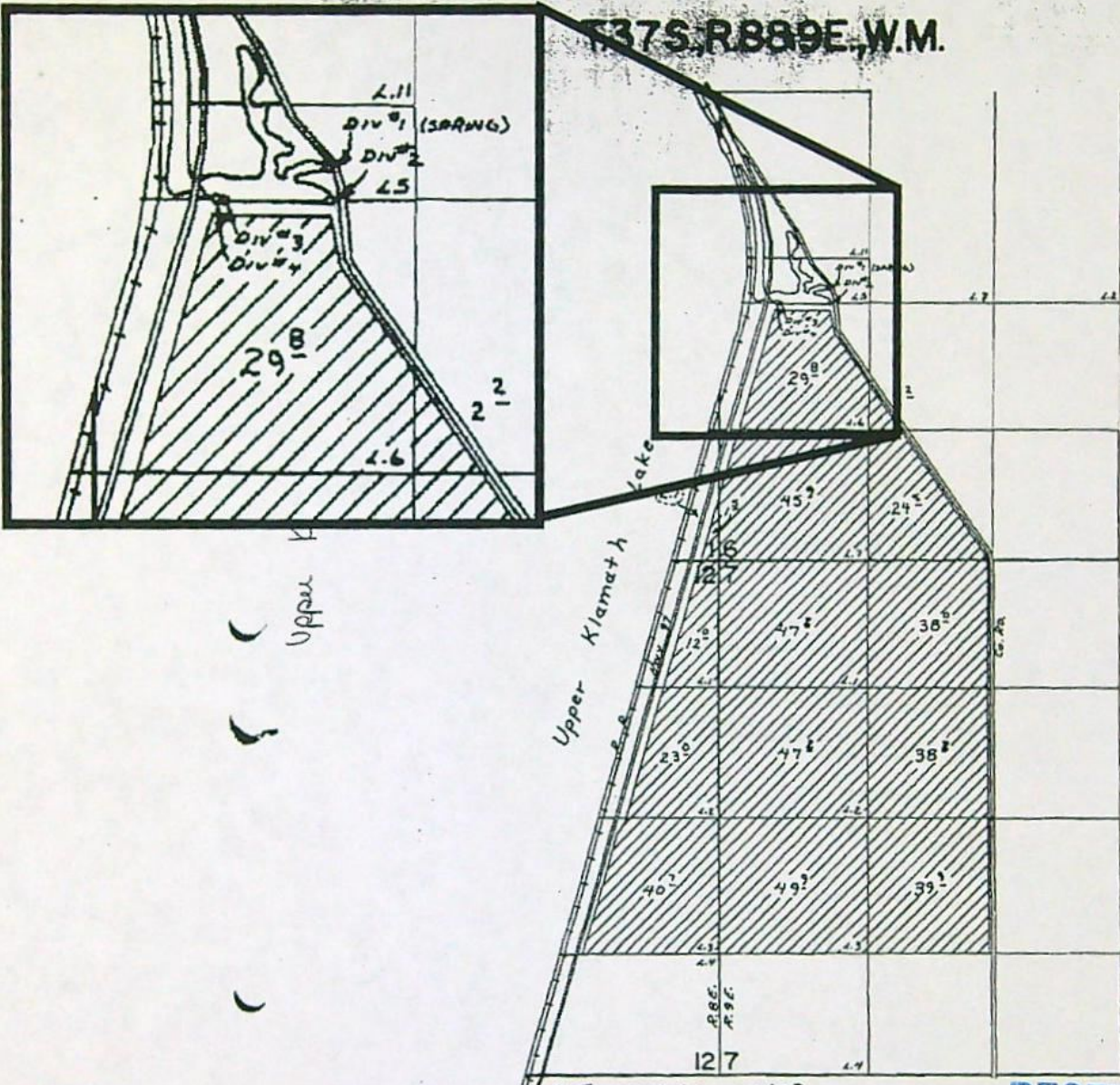
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SALEM, OREGON

35928
44733

Certificate 44733
Existing PODs



- Div #1 - 2800' N AND 1130' E
 - Div #2 - 2640' N AND 1140' E
 - Div #3 - 2640' N AND 640' E
 - Div #4 - 2640' N AND 600' E
- From SW Coa Sec 6

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FINAL PROOF SURVEY
UNDER

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 48878 Permit No. 35928
IN NAME OF

Cert # 44733

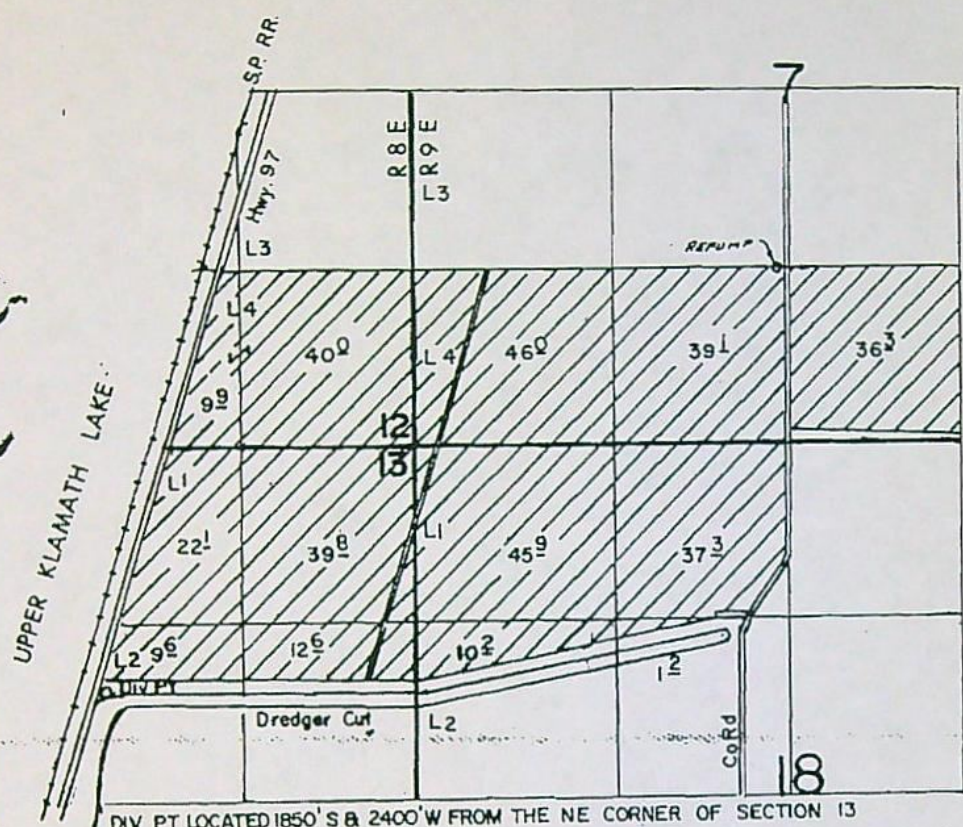
FREDERIC B. ROBERTA SCHILDMAYER

Surveyed July 11, 1975, by L. E. Gould

T 11266

11590
67133

T.37S., R. 88 & 9 E., W.M.



DIV PT LOCATED 1850' S & 2400' W FROM THE NE CORNER OF SECTION 13

and will be the new APOD for certificate 64733.

SCALE: 1"=1320'

FINAL PROOF SURVEY UNDER

Application No. 55994.... Permit No. 41590.....
IN NAME OF

FORNEY W. & JENNIFER D. SCRONCE

Surveyed APRIL 10, 1990., by B.W. BISHOP.....
Oct. 16 1990

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WATER RESOURCES DEPT
SALEM, OREGON

T 11266

41035-178-179D

REVISED 1-29-91 RWB
6-14-90 DLM.

Upon H. Lake's Map

STATE OF OREGON

COUNTY OF

KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FREDERIC & ROBERTA SCHILDMEYER**

of Rt. 3, Box 1306, Klamath Falls, State of Oregon, 97601, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a spring & unnamed stream

a tributary of Upper Klamath Lake for the purpose of irrigation of 440.0 acres

under Permit No. 35928 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 2, 1971

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 11.00 cubic feet per second, being 1.75 c.f.s. from the spring and 9.25 c.f.s. from the unnamed stream

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the All within Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 6, T. 37 S., R. 9 E., W. M., #1-2800 feet North and 1130 feet East, #2-2640 feet North and 1140 feet East, #3-2640 feet North and 640 feet East, #4-2640 feet North and 600 feet East, all from the SW Corner, Section 6

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, 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,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

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SALEM, OREGON

1.5 acres Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 1

12.0 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
23.0 acres Lot 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
40.7 acres Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 12
T. 37 S., R. 8 E., W. M.

2.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
29.8 acres Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
45.9 acres Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
24.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 6

38.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
47.2 acres Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
47.2 acres Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
38.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
39.9 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
49.9 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 7
T. 37 S., R. 9 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 12, 1977

James E. Sexson
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36 , page 44733

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FORNEY W. AND JENNIFER D. SCRONCE
PO BOX 221
MERRILL, OREGON 97633

confirms the right to use the waters of KLAMATH LAKE, a tributary of THE KLAMATH RIVER, for THE IRRIGATION OF 350.0 ACRES.

This right was perfected under Permit 41590. The date of priority is MAY 31, 1977. This right is limited to 8.75 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2 (SW 1/4 NE 1/4), SECTION 13, T 37 S, R 8 E, W.M.; 1850 FEET SOUTH AND 2400 FEET WEST FROM THE NORTHEAST CORNER OF SECTION 13.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

LOT 4 (SW 1/4 SE 1/4)	9.9 ACRES
LOT 4 (SE 1/4 SE 1/4)	40.0 ACRES
SECTION 12	

NE 1/4 NE 1/4	39.8 ACRES
LOT 1 (NW 1/4 NE 1/4)	22.1 ACRES
LOT 2 (SW 1/4 NE 1/4)	9.6 ACRES
SE 1/4 NE 1/4	12.6 ACRES
SECTION 13	

TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M

LOT 4 (SW 1/4 SW 1/4)	46.0 ACRES
SE 1/4 SW 1/4	39.1 ACRES
SW 1/4 SE 1/4	36.3 ACRES
SECTION 7	

NE 1/4 NW 1/4	37.3 ACRES
LOT 1 (NW 1/4 NW 1/4)	45.9 ACRES
LOT 2 (SW 1/4 NW 1/4)	10.2 ACRES
SE 1/4 NW 1/4	1.2 ACRES
SECTION 18	

TOWNSHIP 37 SOUTH, RANGE 9 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 26, 1992.

/s/ WILLIAM H. YOUNG
William H. Young

Recorded in State Record of Water Right Certificates numbered 67133.

55994.BB

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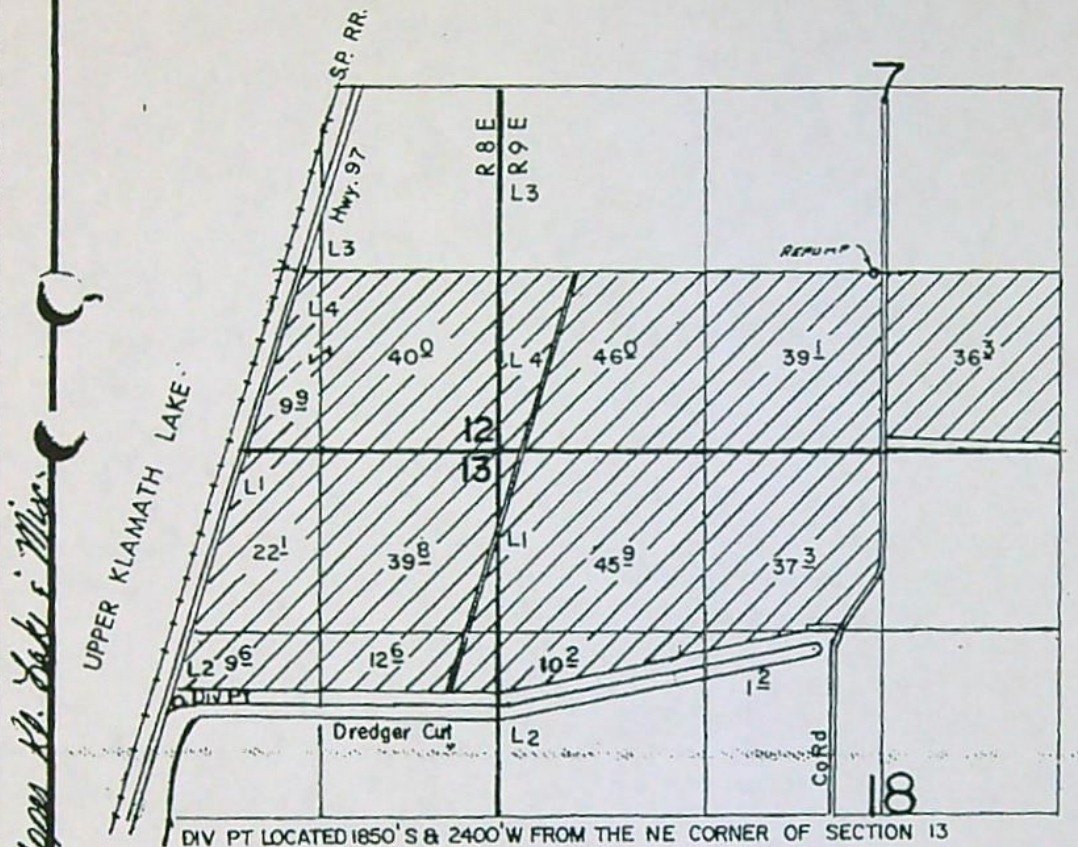
JUN 29 2011

WATER RESOURCES DEPT
SALEM, OREGON

41590

67133

T.37S.,R.88&9E., W.M.



DIV PT LOCATED 1850' S & 2400' W FROM THE NE CORNER OF SECTION 13

SCALE: 1"=1320'

FINAL PROOF SURVEY
UNDER

Application No. 55924... Permit No. 41590.....
IN NAME OF
FORNEY W. & JENNIFER D. SCRONCE

Surveyed APRIL 10, 1990, by B.W. BISHOP.....
Oct. 16 1990

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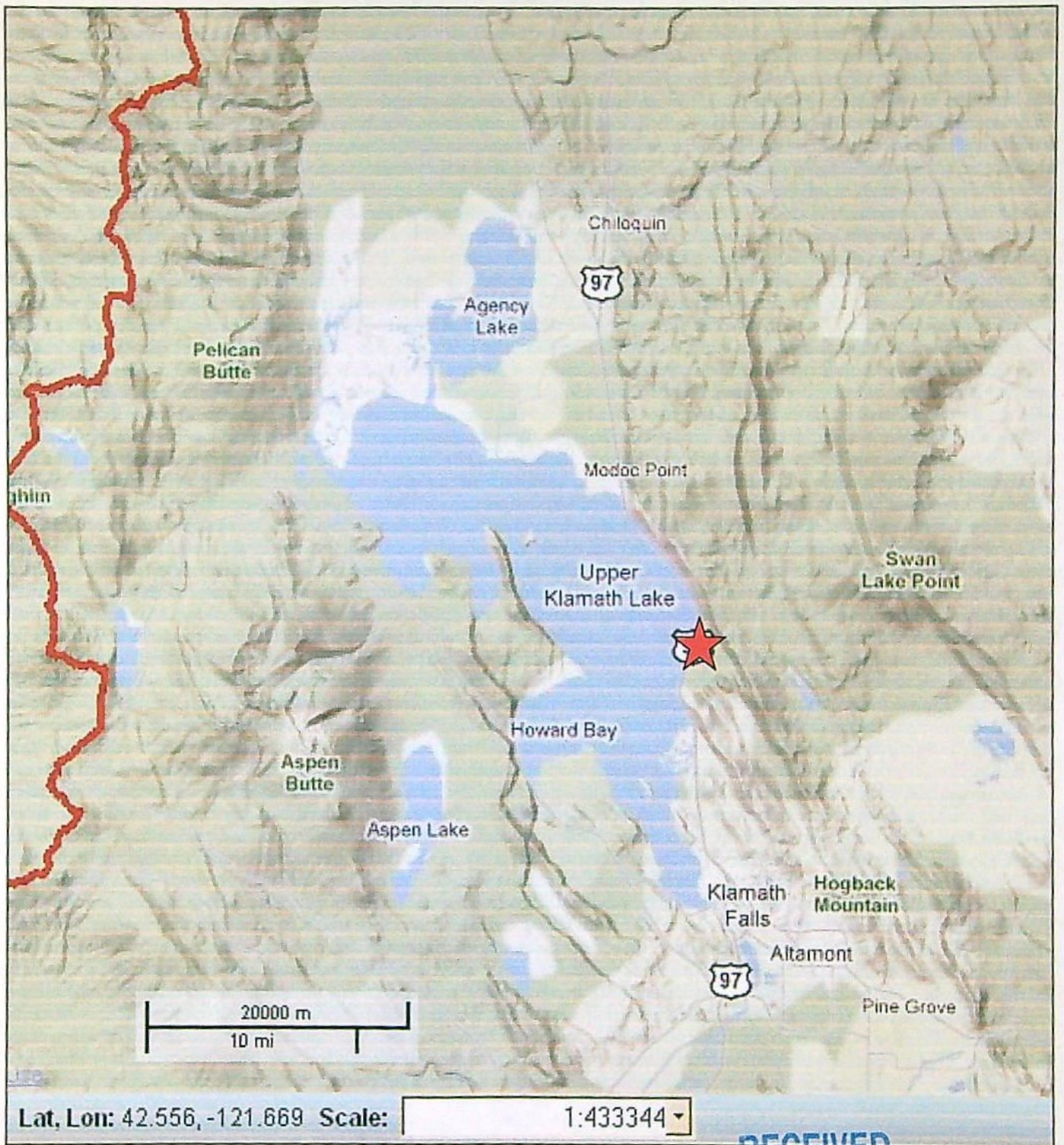
WATER RESOURCES DEPT
SALEM, OREGON

T 11266

41035-178-179D

REVISED 1-29-91 RWB
6-14-90 DLM.

Knoll Ranch LLC
Transfer Application – Cert 44733 – APOD
Project Location



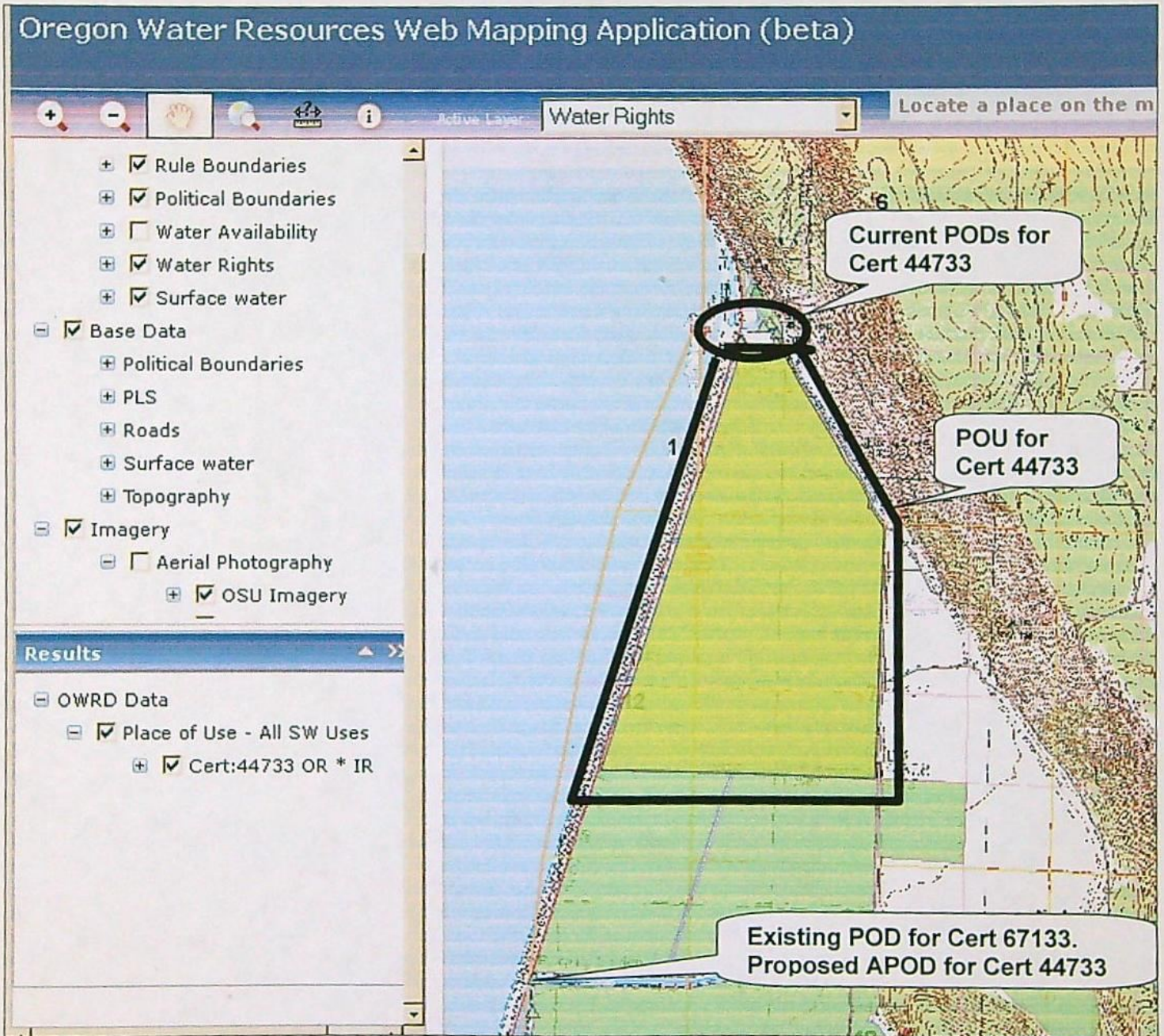
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Knoll Ranch LLC
Transfer Application – Cert 44733 – APOD
Detail Map



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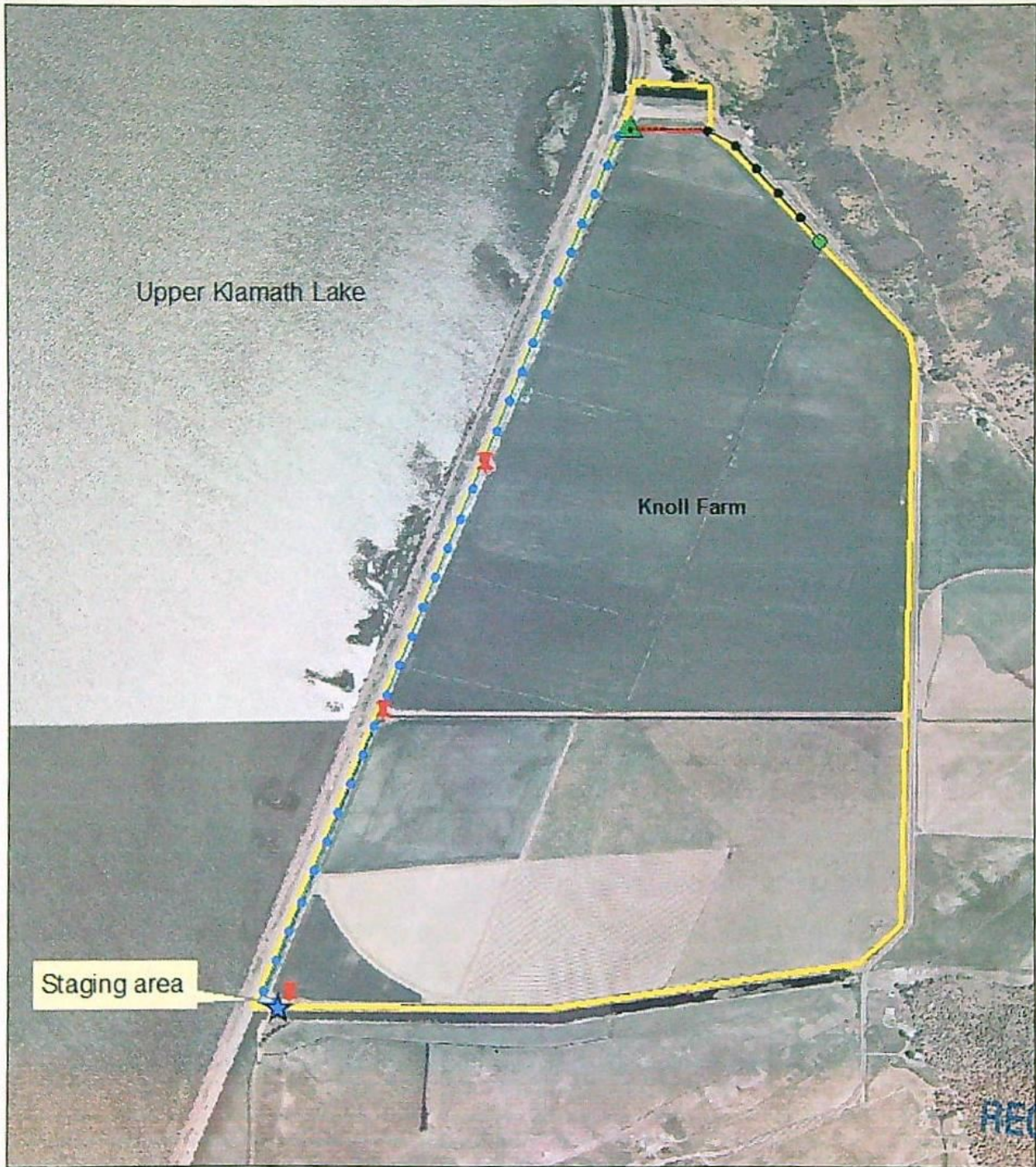
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SALEM, OREGON

T 11266









Proposed Action Planning Map, Alternative 1 Water Conveyance to Existing Pivot Irrigation System

Project: Barkley Springs Endangered Sucker Entrainment Prevention
Sponsor: Klamath Watershed Partnership

Date: 4/22/2011



LEGEND

- | | | | |
|-----------------------------|---|----------------------------------|---|
| Knoll property |  | Planned Sump |  |
| Proposed Point of Diversion |  | Proposed Buried Mainline, 800 ft |  |
| Transfer Ditch Maintenance |  | Existing East Transfer Ditch |  |
| Proposed Culvert Work |  | Existing Irrigation Pump Site |  |

**Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
 County of Klamath)

I, Barron Knoll / Grant Knoll, in my capacity as representative of Knoll Ranch LLC,
 mailing address 5429 Reeder Road, Klamath Falls, Oregon 97602
 telephone number (541) 281-1011, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; or
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
P	L	E	A	S	E	
S	E	E				
A	T	T	A	C	H	E
C	H	A	R	T		

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Alfalfa hay

5. The water delivery system used to apply water as authorized by the right is described below:
Water is currently diverted from Diversions 1 and 2 (see Map 1) to supply a 150 hp pump which supplies water to the northern two-thirds of the property. From the point of diversions the water enters a canal and flows approximately 1750 ft to the pump site. This pump supplies a pivot irrigation system and wheel lines to apply water to approximately 440 acres.

6. One or more of the following documentation supporting the above statements is attached:
- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
 - Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
 - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
 - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
 - Dedicated power usage records or receipts,
 - Instream lease number _____,
 - Other: _____

Grant Kroll
Signature of Affiant
Barton W. Kroll

6-24-11
Date
6-24-11

Signed and sworn to (or affirmed) before me this 24 day of June, 2011.



Christena Watkins
Notary Public for Oregon

RECEIVED
JUN 29 2011
WATER RESOURCES DEPT
SALEM, OREGON

My Commission Expires: June 23, 2012

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

Water Right Transfer Supplemental Form B
 AFFIDAVIT ATTESTING TO THE USE OF WATER
 ATTACHMENT

3. My knowledge is specific to the use of water at the following locations:

8

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
37	S	6	E	Will	1	SE SE	1	1.5
					12	NE NE	1	12
					12	SE NE	2	23
					12	NE SE	3	40.7
		9	E	Will	6	NE SW		2.2
					6	NW SW	6	29.8
					6	SW SW	7	45.9
					6	SE SW		24.5
					7	NE NW		38
					7	NW NW	1	47.2
					7	SW NW	2	47.2
					7	SE NW		38.2
					7	NE SW		39.9
					7	NW SW	3	49.9

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JUN 29 2011

WATER RESOURCES DEPT
 SALEM, OREGON

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant(s): Knoll Ranch LLC, c/o Barron Knoll

Mailing Address: 5429 Reeder Rd

City: Klamath Falls

State: OR

Zip Code: 97603

Daytime Phone: (541) 281-1011

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>37</u>	<u>08</u>	<u>13</u>	_____	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>farm</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) Upper Klamath Lake

Estimated quantity of water needed: 11 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

This is NOT a new or additional water right. The Applicant is requesting to add an additional POD to their existing right Cert 44733 in order to divert water directly from Upper Klamath Lake, as opposed to directly from Barkley Springs. The proposed new POD is the existing POD for Cert 67133, also owned by the applicant. There is no change in amount of water to be used, or place of use. The same ground will continue to be irrigated as has been under Cert 44733.

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WATER RESOURCES DEPT
 SALEM, OREGON

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): KCLDC Article 54,020
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Mark Gallagher Title: Planner III
 Signature: Mark Gallagher Phone: 541-883-5121 Date: 6-14-11
 Government Entity: Klamath County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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JUN 29 2011

**WATER RESOURCES DEPT
SALEM, OREGON**

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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JUN 29 2011

WATER RESOURCES DEPT
SALEM, OREGON WR/FS

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **103270**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM:

Klamath Basin
Range Land Trust

APPLICATION

PERMIT

TRANSFER

T-11266

CASH:

CHECK#

OTHER: (IDENTIFY)

3453

TOTAL REC'D

\$ 9000

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 9000

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **103270**

DATED: 6-29-11 BY: [Signature]

KLAMATH BASIN RANGELAND TRUST

3453

Oregon Water Resources Department

6/7/2011

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
12/21/2009	Bill		900.00	900.00		900.00
				Check Amount		900.00

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JUN 29 2011

WATER RESOURCES DEPT
SALEM, OREGON

Operating checking

900.00