

# Drought Temp

T-13979

Name Jani McPherson

Address PO Box 1  
Midland Or 97034

Change in PO  
Date Filed 4/18/2022  
Initial notice date 4/26/2022  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 5/19/2022 Vol 125 Page 116-18

C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District Klamath Drainage district

Agent Josh McPherson PO Box 103 Midland Or

CWRE \_\_\_\_\_  
CC's list Klamath County

- Oversized map - Location \_\_\_\_\_

### DESCRIPTION OF WATER RIGHT(S)

Name of Stream well

Trib. of Klamath river

Use Irrigation S. Irrigation County Klamath

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# G15090 Per # G15267 Cert # \_\_\_\_\_ PR Date 1/25/2002

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
<u>4-18-2022</u>	<u>\$250.00</u>	<u>137956</u>

FEES REFUNDED		
Date	Amount	Receipt #



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

May 19, 2022

JANI K. MCPHERSON  
PO BOX 1  
MIDLAND, OR 97634

REFERENCE: Temporary Drought Transfer Application T-13979

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

The temporary change shall be effective upon issuance of this final order. Please note, the use shall revert back to the original authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at [Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov).

Sincerely,

Julie C. Baustian  
Water Right Services Support  
Transfers and Conservation Section

cc: Danette M. Watson, Watermaster Dist. #17 (via email)  
Klamath County  
Josh McPherson, Agent  
Irrigation District: Scott White

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13979, Klamath County	)	EMERGENCY USE DROUGHT TEMPORARY
	)	CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

JANI K MCPHERSON  
PO BOX 1  
MIDLAND, OR 97634

**Findings of Fact**

1. On April 18, 2022, JANI K MCPHERSON filed an application to temporarily change the place of use under Permit G-15267 for the remainder of the 2022 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13979.

2. Notice of the application for transfer was published on April 26, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

<b>Permit:</b>	G-15267 in the name of JOHN L. & JANI K. MCPHERSON
<b>Use:</b>	IRRIGATION OF 122.5 ACRES
<b>Priority Date:</b>	JANUARY 25, 2002
<b>Rate:</b>	1.53 CUBIC FEET PER SECOND
<b>Limit/Duty:</b>	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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre during the irrigation season of each year.

Period of Use: APRIL 1 THROUGH OCTOBER 31

Source: TWO WELLS IN SPRING LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	9 E	WM	5	NW NE	WELL #1 - 50 FEET SOUTH AND 1604 FEET WEST FROM THE NE CORNER OF SECTION 5
40 S	9 E	WM	8	NE SE	WELL #2 - 2573 FEET NORTH AND 556 FEET WEST FROM THE SE CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	9 E	WM	17	NE SW	10	16.0
40 S	9 E	WM	17	NW SW		20.0
40 S	9 E	WM	17	SW SW		30.0
40 S	9 E	WM	17	SE SW		40.0
40 S	9 E	WM	17	NW SE		0.5
40 S	9 E	WM	17	SW SE		16.0
					Total	122.5

4. Temporary Transfer Application T-13979 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
40 S	9 E	WM	5	NW NE	11.0	
40 S	9 E	WM	5	NE NW	27.0	
40 S	9 E	WM	9	SW NE	13.0	
40 S	9 E	WM	9	NW NW	10.5	
40 S	9 E	WM	9	SW NW	30.0	
40 S	9 E	WM	9	SE NW	31.0	
					Total	122.5

**Temporary Drought Transfer Review Criteria**

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The Governor issued an executive order on March 4, 2022, declaring a state of drought emergency in Klamath County due to drought and extreme weather conditions, which is

still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.

8. The proposed change would not result in enlargement of the rights.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

#### Conclusions of Law

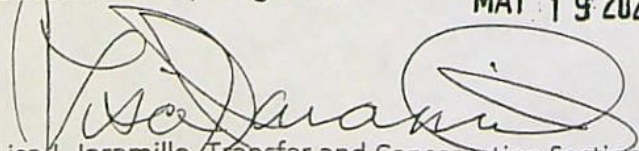
The temporary change in place of use proposed in Temporary Drought Transfer Application T-13979 is are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

#### Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-13979 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the remainder of the 2022 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
4. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Permit G-15267.
5. The proposed change in place of use shall revert to the authorized place of use at the end of the 2022 irrigation season or the end of the Governor's declared drought, whichever occurs first.
6. The use of the remaining water right described by Permit G-15267 shall continue to be in accordance with the terms and conditions of Permit G-15267.

Dated in Salem, Oregon on

**MAY 19 2022**

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

Mailing Date:

**MAY 20 2022**

# DROUGHT

## WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13979

Transfer Specialist: *Scott*

Transfer Type: Drought Transfer

<b>Applicant:</b> JANI K. MCPHERSON PO BOX 1 MIDLAND, OR 97634 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A JOSH MCPHERSON PO BOX 63 MIDLAND, OR 97634 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Scott White Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Klamath County Planning Department Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

### Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G15690	G15267		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

### Key Dates & Initial Actions:

Rec'd: April 18, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 250.00	WM District: 17	ODFW District:
Initial Public Notice: 04/26/2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>5/5/22</i> Initials: <i>Scott</i>	Date: <i>5/6/22</i> Initials: <i>AD</i>	Date: _____ Initials: _____	Date: <i>5/14/22</i> Initials: <i>PCS</i>	Date: <i>5/18/22</i> Initials: <i>Scott</i>	Date: <i>5/18/22</i>	Date: <i>5/19/2022</i>

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 125 Pages 1160

# Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department  
725 Summer St NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

Transfer Application: T-13979

Review Due Date: 04/26/2022

Applicant Name: McPherson Properties LLC

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Michelle Angell for Watermaster      Date of Review: 04/26/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable?  Yes  No    If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
  
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?  Yes  No    Generally characterize the frequency of any regulation or explain why regulation has not occurred:
  
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
 Yes  No  Records not available.
  
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  Yes  No    If "Yes", explain:
  
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected?  Yes  No    If "Yes", describe how the rights would be affected and list the rights most affected:

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

N/A

7. 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:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)?  Yes  No

9. For POU changes:  N/A Is it likely the original place of use would continue to receive water from the same source?  Yes  No If "Yes", explain:

10. For POU or USE changes:  N/A In your best judgment, 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:

11. For POU changes that involve micro-irrigation:  N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes  No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes  No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer?  Yes  No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry?  Yes  No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer?  Yes  No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?  Yes  No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer?  Yes  No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?  Yes  No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?  Yes  No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes  No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights?  No  Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

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/appropriation (new and existing) OR at each new point of diversion/appropriation  with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

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.

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. 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.

b. 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:

- Weir
- Parshall Flume
- Other: \_\_\_\_\_

- Submerged Orifice
- Flow Restrictor

### Oregon Water Resources Department

#### Measurement Condition Information for the Applicant

*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T- 13979



In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed **prior to diversion of water**, as a condition of this transfer:



*at each point of diversion/appropriation (new and existing) OR*



*at each new point of diversion/appropriation.*

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

Watermaster name: Danette Watson

District: #17

Address: 305 Main St

City/State/Zip: Klamath Falls, OR 97601

Phone: 541-883-4182

Email: Danette.M.Watson@ water.oregon.gov

**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  
Salem, OR 97301-1266



Oregon  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 25, 2022

JANI K. MCPHERSON  
PO BOX 1  
MIDLAND, OR 97634

Reference: Application T-13979

On April 18, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$250.00. Our receipt number 137956 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary 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) 979-9931.

Cc: Watermaster Dist. #17, Danette M. Watson (via email)  
Klamath Drainage District  
Klamath County  
Josh McPherson, Agent

Enclosure

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **137956**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>McPherson Properties, LLC</u>	APPLICATION	
BY: _____	PERMIT	
	TRANSFER	<u>1-1379</u>
CASH: <input type="checkbox"/>	CHECK: # <u>3216</u>	OTHER: (IDENTIFY) <input type="checkbox"/>
		TOTAL REC'D <b>\$250.00</b>

<b>1083 TREASURY</b>	<b>4170 WRD MISC CASH ACCT</b>
0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
	0245 Cons. Water

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS <u>46110</u>	
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 \$
0203 GROUND WATER	\$
0205 TRANSFER	\$ <u>250.00</u>
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	\$
OTHER (IDENTIFY)	

<b>0536 TREASURY</b>	<b>0437 WELL CONST. START FEE</b>
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
OTHER (IDENTIFY)	

<b>0607 TREASURY</b>	<b>0467 HYDRO ACTIVITY</b>	LIC NUMBER
0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

<b>TREASURY</b>	<b>OTHER / RDX</b>
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **137956**

DATED: 4-18-2022 BY: Mindy Corder

**Application for Water Right  
Temporary or Drought Temporary Transfer  
Part 1 of 5 – Minimum Requirements Checklist**



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

**This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
For questions, please call (503) 986-0900, and ask for Transfer Section.

**RECEIVED**  
**APR 18 2022**

**FOR ALL TEMPORARY TRANSFER APPLICATIONS**

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Groundwater Irrigation Right Permit #G-15267**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year:** \_\_\_\_ **End Year:** \_\_\_\_.
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**OWRD**

**Attachments:**

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. 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 Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

**(For Staff Use Only)**  
**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

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

Other/Explanat on \_\_\_\_\_  
 Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**13979**

## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

OWRD

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

- 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 good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is 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 temporary 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) to convey water to the new temporary place of use, 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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**Part 3 of 5 – Fee Worksheet**

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter »	2	
3	Do you propose to change the place of use for a non-irrigation use? <input type="checkbox"/> No: enter 0 on line 3 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » <input type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » Subtotal:	5	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 6 »	6	
7	Subtract line 6 from line 5 » <b>Transfer Fee:</b>	7	

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FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): 1.53 (2a) Subtract 1.0 from the number in 2a above: 0.53 (2b) If 2b is 0, enter 0 on line 2 » If 2b is greater than 0, round up to the nearest whole number: 1 (2c) and multiply 2c by \$50, then enter on line 2 »	2	50.00
3	Add entries on lines 1 through 2 above » » » » » » » » » » » » <b>Transfer Fee:</b>	3	250.00

\*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs ( $1.25 \text{ cfs} \div 100 \text{ ac} \times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jani K McPherson</b>		PHONE NO. <b>541-892-0135</b>	ADDITIONAL CONTACT NO. <b>541-884-2517</b>
ADDRESS <b>PO Box 1</b>		FAX NO.	
CITY <b>Midland</b>	STATE <b>OR</b>	ZIP <b>97634</b>	E-MAIL <b>jani_mac@hotmail.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

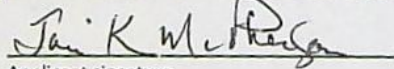
**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>Josh McPherson</b>		PHONE NO. <b>541-892-5909</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 63</b>		FAX NO.	
CITY <b>Midland</b>	STATE <b>OR</b>	ZIP <b>97634</b>	E-MAIL <b>jani_mac@hotmail.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:  
See Attachment 1

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

  
Applicant signature

**Jani K McPherson**  
Print Name (and Title if applicable)

**4/13/2022**  
Date

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\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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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 and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

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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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME Klamath Drainage District	ADDRESS PO Box 1090	
CITY Klamath Falls	STATE OR	ZIP 97601

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 and/or used.

ENTITY NAME Klamath County	ADDRESS 305 Main St	
CITY Klamath Falls	STATE OR	ZIP 97601

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**Part 5 of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

**Water Right Certificate # G-15267**

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**Description of Water Delivery System**

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System capacity: **3.35** cubic feet per second (cfs) **OR**

\_\_\_\_\_ gallons per minute (gpm)

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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. **See Attachment 2**

**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)
Well #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	L-65273	40	S	09	E	5	N W	NE	500	50 ft S & 1604 ft W from the NE corner of Section 5, T40S R09E
Well #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	L-138417	40	S	09	E	8	NE	SE	400	2573 ft N & 556 ft W from the SE corner of Section 8, T40N R09E
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

**Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):**

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

**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 and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Temporary Changes to Water Right Certificate # G-15267**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, 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 (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
40	S	09	E	17	NE	NW	400	10	16.0	Irrigation	POD# 1 POD #2	2002	POU	40	S	09	E	9	SW	NW	1000		30.0	Irrigation	POA #1 POA #2	2002
40	S	09	E	17	NW	NW	400		20.0	Irrigation	POD# 1 POD #2	2002	POU	40	S	09	E	9	NW	NW	1000		10.5	Irrigation	POD# 1 POD #2	2002
40	S	09	E	17	SW	NW	400		30.0	Irrigation	POD# 1 POD #2	2002	POU	40	S	09	E	9	SE	NW	1000		31.0	Irrigation	POD# 1 POD #2	2002
40	S	09	E	17	SE	NW	400		40.0	Irrigation	POD# 1 POD #2	2002	POU	40	S	09	E	9	SW	NE	1000		13.0	Irrigation	POD# 1 POD #2	2002
40	S	09	E	17	SW	NE	400	12	16.0	Irrigation	POD# 1 POD #2	2002	POU	40	S	09	E	5	NE	NW	700 400		27.0	Irrigation	POD# 1 POD #2	2002
40	S	09	E	17	NW	NE	400	11	0.5	Irrigation	POD# 1 POD #2	2002	POU	40	S	09	E	5	NW	NE	600		11.0	Irrigation	POD# 1 POD #2	2002
							TOTAL ACRES		122.5														TOTAL ACRES		122.5	

Additional remarks: \_\_\_\_\_

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**For Place 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: KA-1000, G-16209, S-43334



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- Well log(s) 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://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx))

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**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 the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, CWRD 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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## Klamath Basin/County Drought Transfer Applications

**Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)**

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application?     Yes     No\*

*\*Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION
Well #1	L-65273	KLAM 53940	03-05370	210.848	4/13/2022	50 ft S. & 1604 ft W. from the NE corner of Section 5, T40S R09E
Well #2	L-138417	KLAM 60671	06-04024	083.664	4/13/2022	2573 ft N. & 556 ft W. from the SE corner of Section 8, T40S R09E

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ATTACHMENT 1

We would like to temporarily transfer a portion of our groundwater right from lands that will have access to surface water to other that will not have access to surface water this year.

The land we are proposing to temporarily transfer the water right to is adjacent to our lands covered by groundwater right. With the Department's approval, we will be able to utilize the groundwater efficiently using our existing infrastructure with no modifications to our wells or supply system.

This transfer will allow us to keep perennial crops alive and productive through the current drought conditions.

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## Attachment 2

The current water delivery system uses two wells to provide water to the lands covered under Permit # G-15267.

Well 1, located in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 5 in T40S R09E, pumps into the adjacent pond where the water is then pumped out on the opposite side by two 60hp centrifugal pumps through a network of mainline to irrigate the adjacent land covered under Permit # G-15267. A flowmeter tracks water pumped from the well into the pond. The pond is also an access point for surface water for the same lands when it is available.

Well 1 also provides water for the lands covered under Permit # G-15267 in Section 17 of T40S R09E by pumping into the pond, which is a part of the Klamath Irrigation District system, and transferring the water via wheeling agreements with Klamath Irrigation District and Klamath Drainage District. The well water is then taken from the North Canal of Klamath Drainage District through 3 different flood headgates and used to irrigate those lands.

Well 2, located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 8 in T40S R09E, pumps directly into the mainline network that serves the adjacent land covered under Permit # G-15267. Two 50hp centrifugal pumps supply water from the KID ditch system into the same mainline network when surface water is available. Separate flowmeters track water delivered from the two different water sources.

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OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 19 day of July 2016.

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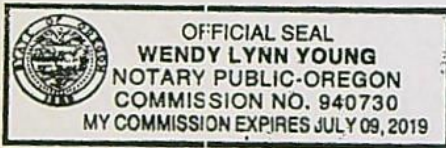
*Jani K. McPherson*  
JANI K. McPHERSON, Trustee

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STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on July 19, 2016 by Jani K. McPherson, in her capacity as Trustee of the John L. McPherson Trust Dated March 17, 2016.

*Wendy Lynn Young*  
Notary Public for Oregon  
My Commission Expires: 7-9-19



BARGAIN AND SALE DEED - 2

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EXHIBIT "A"  
LEGAL DESCRIPTION

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Parcel 1:

The NE1/4, NW1/4 of SE1/4, S1/2 of NW1/4, N1/2 of SW1/4 of Section 5, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; EXCEPT a tract of land situated in the NE1/4 of Section 5, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin marking the North one-quarter corner of said Section 5, which point is on the centerline of the Old Midland County Road; thence South along an old existing fence line and fence line extended (said line being the one-quarter section line as described in Deed Volume 326 at page 411 of Klamath County Deed Records) a distance of 1,363 feet to an old fence post; thence South 88°41'42" East (East by said Deed Record) 465.00 feet to a one-half inch iron pipe; thence North 71°52'00" West 303.76 feet to a steel fence post; thence North 52°33'00" East 237.03 feet to a steel fence post; thence North 25°14'00" West 143.78 feet to a steel fence post; thence North 18°26'00" East 192.44 feet to a steel fence post; thence North 28°03'00" East 472.17 feet to a steel fence post; thence North 47°49'00" East 463.30 feet to a steel fence post; thence continuing North 47°49'00" East 151.09 feet to a 1/2 inch iron pin in the centerline of said County Road; thence South 89°36'55" West (West by said Deed Record) a distance of 948.31 feet to the point of beginning.

The bearing of the above described tract of land are based on the said one-quarter section line as being South.

ALSO EXCEPTING the S1/2 NE1/4 NE1/4 and the N1/2 SE1/4 NE1/4 of Section 5, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

*all  
T  
?*

Parcel 2:

The South 150 feet of the N1/2 SE1/4 NE1/4 of Section 5 Township 40 South, Range 9 East of the Willamette Meridian. SAVING AND EXCEPTING a parcel of land situate in the NE1/4 of Section 5, more particularly described as follows: Commencing at the Southeast corner of the N1/2 SE1/4 NE1/4 of said Section 5; thence North 00°22'00" West along the East line of said Section 5, 150.00 feet to the point of beginning for this description; thence leaving said section line South 89°48'00" West 739.34 feet; thence South 81°17'43" East along a fence, 247.78 feet; thence North 87°28'53" East along a fence, 176.47 feet; thence South 88°12'35" East along a fence, 168.39 feet; thence North 82°51'26" East along a fence and the Easterly extension thereof, 151.09 feet to a point on the Easterly line of said Section 5; thence North 00°22'00" West along said section line, 18.80 feet to the point of beginning.

Parcel 3:

A parcel of land situate in the NE1/4 of Section 5, Township 40 South, Range 9 East of the Willamette Meridian, being more particularly described as follows: Commencing at the Southeast corner of the N1/2 SE1/4 NE1/4 of said Section 5; thence North 00°22'00" West along the East line of said Section 5, 150.00 feet; thence leaving said section line South 89°48'00" West 739.34 feet to the point of beginning for this description; thence North 81°17'43" West along a fence, 25.39 feet; thence North 79°48'21" West, along a fence, 172.97 feet to the end of fence; thence North 78°54'42" West, 125.00 feet; thence North to a point on the North line of the S1/2 NE1/4 NE1/4 of said Section 5; thence West along said North line to the Northwest corner of the S1/2 NE1/4 NE1/4; thence South along the West line of the E1/2 NE1/4 of said Section 5 to a point which is 150.0 feet North of the Southwest corner of the N1/2 SE1/4 NE1/4; thence South 89°48'00" East, 580.66 feet to the point of beginning.

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EXHIBIT A  
PAGE 1 OF 2

PARCEL NO. 4

The NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 8, Township 40 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, AND the N $\frac{1}{4}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 9, Township 40 South, Range 9 East of the Willamette Meridian, ALSO a parcel of land being a strip of land 40 feet in width lying along the full length of the East side of the NE $\frac{1}{4}$  of Section 8, Township 40 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

*have same*

Reserving unto Grantors an easement for road purposes in common with Grantees, described as follows:

40 feet in width lying along the full length of the East side of NE $\frac{1}{4}$  Section 8, Township 40 South, Range 9 East of the Willamette Meridian; 40 feet in width lying along the full length of the North side of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 8; and 40 feet in width lying along the West side of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , running from the Northerly boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$  to the South boundary of the existing road; and 40 feet in width running in a Southeasterly direction along the existing road located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 8, to the South boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

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PARCEL NO. 5

Lot 6, Section 8, Township 40 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

*hL same*

PARCEL NO. 6

The W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{2}$ NW $\frac{1}{4}$ , Lots 7, 8, 9, 10, 11 and 12, Section 17, Township 40 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL NO. 7

The NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 5, Township 40 South, Range 9 East of the Willamette Meridian, EXCEPTING therefrom a portion of said Section 5, being more particularly described as follows: Beginning at a point on the North line of said Section 5, from which the North 1/4 corner of said Section 5 bears N89° 33' 51" East, 595.38 feet; thence S05°02'14" East, 522.46 feet to a point; thence S87°15'54" East, 50.51 feet to a point marked with a 5/8" iron pin; thence S87°15'54" East, 433.38 feet to a point marked with a 5/8" iron pin, thence N29°41'17" East, 107.62 feet to a point marked with a 5/8" iron pin; thence S89°51'09" East, 11.65 feet to a point on the North-South 1/4 Section line; thence N00°08'59" East 454.60 feet to the Northeast corner of said NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence S89°33'51" West 595.38 feet to the point of beginning. EXCEPTING therefrom any portion of the above described parcel lying within the limits of roads or highways. Bearings based on Property Line Adjustment 3-13 filed June 17, 2013.

*Beckman same*

EXHIBIT A  
PAGE 2 OF 2

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# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
 www.oregon.gov/OWRD

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

### 1. APPLICANT INFORMATION

NAME JANI K MCPHERSON		PHONE (HM) (541)892-0135	
PHONE (WK)	CELL	FAX	
ADDRESS PO Box 1			
CITY MIDLAND	STATE OR	ZIP 97634	E-MAIL** JANI_MAC@HOTMAIL.COM

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APR 18 2022

OWRD

### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME KLAMATH DRAINAGE DISTRICT		PHONE (HM)	
PHONE (WK) (541)884-1739	CELL	FAX (541)887-8263	
ADDRESS PO Box 1090			
CITY KLAMATH FALLS	STATE OR	ZIP 97601	E-MAIL** kdd280@yahoo.com

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.	S55748	S-43334		YES <input checked="" type="checkbox"/>
2.	KA1000	-		YES <input checked="" type="checkbox"/>
3.	G15690	G-15627		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION

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**4. APPLICANT'S SIGNATURE**

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Jani K. McPherson  
Applicant Signature

Jani K. McPherson  
Name (print)

4-7-22  
Date

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Scott White  
Signature of District Manager /Water Supplier

SCOTT WHITE, GM  
Name (print), Title

4/8/22  
Date



00190009201600078940040042

07/26/2016 01:22:33 PM

Fee: \$57.00

AFTER RECORDING, RETURN TO:  
William M. Ganong  
Attorney at Law  
514 Walnut Avenue  
Klamath Falls OR 97601

SEND TAX STATEMENTS TO:  
Jani McPherson, Trustee  
Post Office Box 1  
Midland OR 97634

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BARGAIN AND SALE DEED

Jani K. McPherson, as Trustee of the John L. McPherson Trust Dated March 17, 2016, Grantor, conveys unto McPherson Properties, LLC, Grantee, all of the title held by Grantor as Trustee of said Trust in and to the following-described real property located in Klamath County, Oregon, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

Klamath County Assessor's Parcel Nos. R-4009-00500-00300, 00400, 00500, 00900, and 00100; R-4009-00900-01000-000; R-4009-00800-00400-000, and 00800; R-4009-01700-00400-000; and R-4009-00800-00100-000

This deed is made for estate planning purposes and no consideration has been paid heretofore.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,

# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
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The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

### 1. APPLICANT INFORMATION

NAME JANI K MCPHERSON			PHONE (HM) (541)892-0135	
PHONE (WK)		CELL		FAX
ADDRESS PO Box 1				
CITY MIDLAND		STATE OR	ZIP 97634	E-MAIL** JANI_MAC@HOTMAIL.COM

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OWRD

### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME KLAMATH IRRIGATION DISTRICT			PHONE (HM)	
PHONE (WK) (541)882-6661		CELL		FAX (541)882-4004
ADDRESS 6640 KID LANE				
CITY KLAMATH FALLS		STATE OR	ZIP 97603	E-MAIL**

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.	KA1000			YES <input checked="" type="checkbox"/>
2.	G15690	G-15627		YES <input type="checkbox"/>
3.				YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

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RECEIVED

APR 18 2022

COMMENTS OR ADDITIONAL INFORMATION

**4. APPLICANT'S SIGNATURE**

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

OWRD

Jani K. McPerson  
Applicant Signature

Jani K. McPerson  
Name (print)

4-7-22  
Date

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Gene Soza  
Signature of District Manager /Water Supplier

GENE SOZA  
Name (print), Title  
EXECUTIVE DIRECTOR

11 APRIL 2022  
Date



# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

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### 1. APPLICANT INFORMATION

NAME JANI K MCPHERSON			PHONE (HM) 0135 (541)892-0135
PHONE (WK)	CELL	FAX	
ADDRESS PO BOX 1			
CITY MIDLAND	STATE OR	ZIP 97634	E-MAIL** JANI_MAC@HOTMAIL.COM

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 APR 18 2022  
 OWRD

### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME KLAMATH BASIN IMPROVEMENT DISTRICT			PHONE (HM)
PHONE (WK) (541)882-6661	CELL	FAX (541)882-4004	
ADDRESS 6640 KID LANE			
CITY KLAMATH FALLS	STATE OR	ZIP 97603	E-MAIL**

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a. List the water right(s) involved in this transfer:

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1.	KA1000			YES <input checked="" type="checkbox"/>
2.	G16030	G-16209		YES <input checked="" type="checkbox"/>
3.	G15690	G-15627		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

13979

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

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COMMENTS OR ADDITIONAL INFORMATION

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email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Jani K. McPherson  
Applicant Signature

Jani K. McPherson  
Name (print)

4-7-22  
Date

OWRD

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

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YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Gene Souza  
Signature of District Manager /Water Supplier

GENE SOUZA  
Name (print), Title  
EXECUTIVE DIRECTOR

11 APRIL 2022  
Date

# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
County of     Klamath     )ss

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I     Dale and Glenda Beckman     in my/our capacity as     landowners    ,  
mailing address     898 Old Midland Rd, Klamath Falls, OR 97603    ,  
telephone number     (541)892-1239    , duly sworn depose and say that I/We  
consent to the proposed change(s) to Water Right Certificate Number     G-15267    

described in a Water Right Transfer Application (T-                    ),  
*(transfer number, if known)*

submitted by     Jani K McPherson    

on the property in tax lot number(s)     700    

Section     5     Township     40     North/South Range     9     East/West, W.M.

located at     898 Old Midland Rd, Klamath Falls, OR 97603      
*(site address)*

    Dale Brub      
Signature of Affiant

    4/12/22      
Date

    Glenda Beckman      
Signature of Affiant

    4/12/22      
Date

Subscribed and Sworn to before me this     12<sup>th</sup>     day of     April    , 20    22    .



    Tisha Grace Bray      
Notary Public for Oregon

My commission expires     3.10.2026    .

# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
County of Klamath )ss

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APR 18 2022

OWRD

I Richard and Darlene Pope in my/our capacity as landowners,

mailing address 910 Old Midland Rd, Klamath Falls, OR 97603

telephone number (925)584-4910, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number G-15267

described in a Water Right Transfer Application (T-                    ),  
(transfer number, if known)

submitted by Jani K McPherson

on the property in tax lot number(s) 600

Section 5 Township 40 North/South Range 9 East/West, W.M.

located at 910 Old Midland Rd, Klamath Falls, OR 97603  
(site address)

[Signature]  
Signature of Affiant

4/13/22  
Date

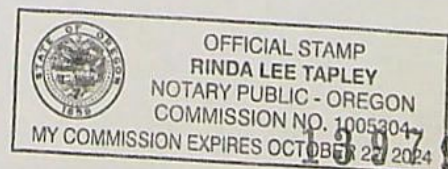
[Signature]  
Signature of Affiant

13 APR. 22  
Date

Subscribed and Sworn to before me this 13<sup>th</sup> day of April, 2022.

[Signature]  
Notary Public for Oregon

My commission expires 10-22-24.



Temporary Drought Transfer Application for Jani K. McPherson for lands in Klamath County:  
Township 40S, Range 9E, Willamette Meridian

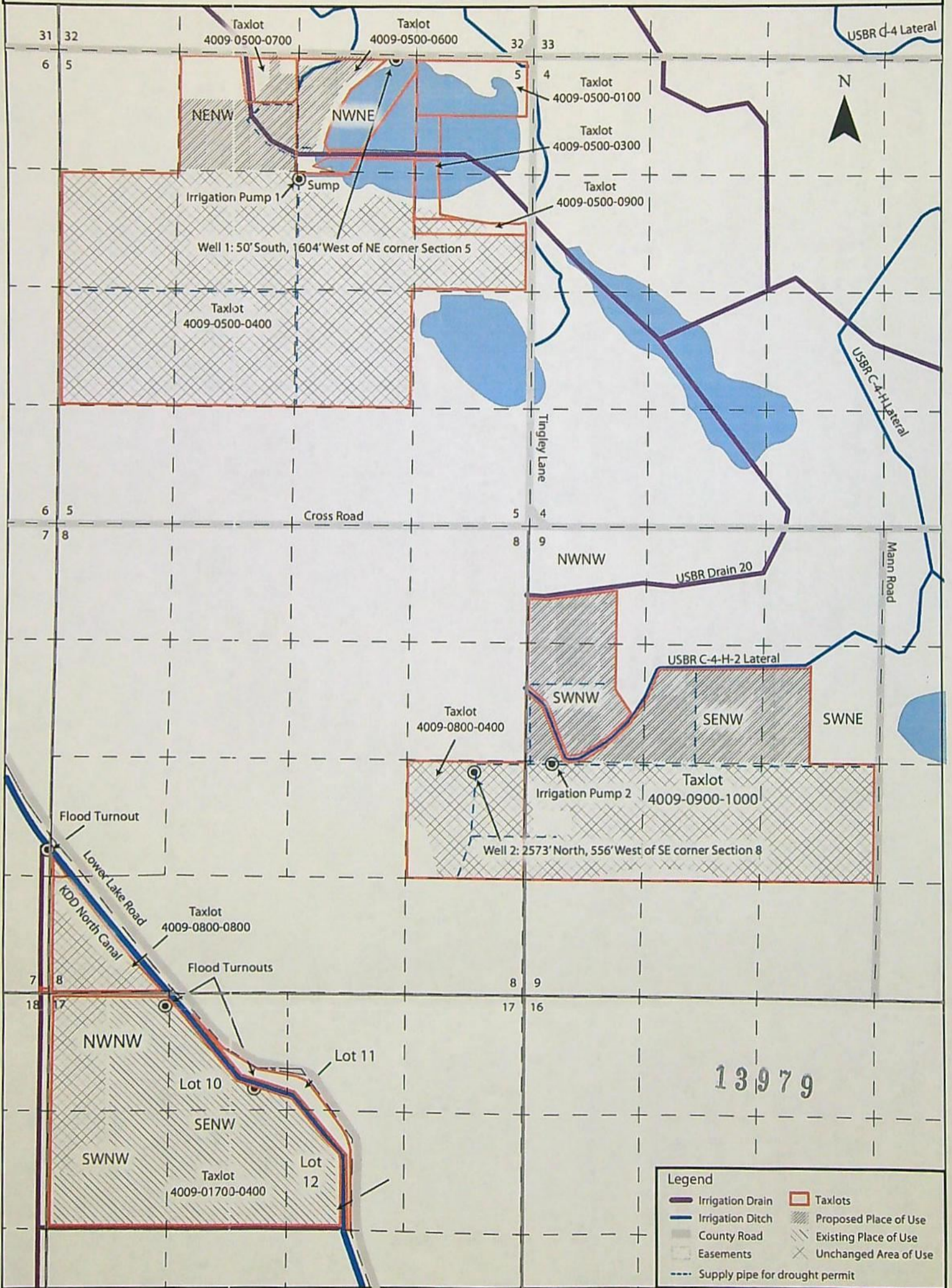
**RECEIVED**  
**APR 18 2022**  
**OWRD**

Existing Place of Use

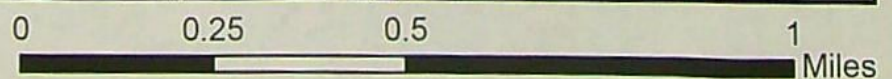
- Lot 10 Section 17, T40S, R9E, WM: 16 acres
- NW 1/4 NW 1/4 Section 17, T40S, R9E, WM: 20 acres
- SW 1/4 NW 1/4 Section 17, T40S, R9E, WM: 30 acres
- SE 1/4 NW 1/4 Section 17, T40S, R9E, WM: 40 acres
- Lot 12 Section 17, T40S, R9E, WM: 16 acres
- Lot 11 Section 17, T40S, R9E, WM: 0.5 acres

Proposed Place of Use

- SW 1/4 NW 1/4 Section 9, T40S, R9E, WM: 30 acres
- NW 1/4 NW 1/4 Section 9, T40S, R9E, WM: 10.5 acres
- SE 1/4 NW 1/4 Section 9, T40S, R9E, WM: 31 acres
- SW 1/4 NE 1/4 Section 9, T40S, R9E, WM: 13 acres
- NE 1/4 NW 1/4 Section 9, T40S, R9E, WM: 28 acres
- NW 1/4 NE 1/4 Section 9, T40S, R9E, WM: 10 acres



1 inch = 1/4 mi



13979

**DRAFT**

Regular Temporary Water Right Transfer Application Checklist

Checked by Scott

Date 4/19/20

PERMIT

**A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.**

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

(If OK, check box to left; if not, fill in the blank)

- 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- 2. Are fees included and correct? yes 250  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_
- 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
- 4. Are all listed certificates shown by WRIS as non-cancelled?  
If not, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed? yes have them  
 N/A  Form D needed from \_\_\_\_\_ (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

*Supplemental? not listed correctly on Table 2*  
*Amended?*