



**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	NE SE	15.5
41 S	10 E	WM	8	NW SE	9.9
41 S	10 E	WM	8	SW SE	0.6
41 S	10 E	WM	8	SE SE	10.8

3. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

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

**Certificate:** 67947 in the name of CHARLES G. KERR (perfected under Permit G-9623)

**Use:** IRRIGATION of 7.6 ACRES

**Priority Date:** MARCH 8, 1982

**Rate:** 0.1 CUBIC FOOT PER SECOND (CFS)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** A WELL, in the LOWER KLAMATH LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	900 FEET NORTH AND 20 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	10 E	WM	8	SW SE	2.6
41 S	10 E	WM	8	SE SE	5.0

5. Application T-10471 proposes to move the authorized point of appropriation approximately 0.26 mile southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
41 S	10 E	WM	8	SE SE	702	621 FEET NORTH AND 1137 FEET WEST FROM THE SE CORNER OF SECTION 8

6. While the authorized point of appropriation for Certificate 48601 (described in Finding of Fact #2) and the authorized point of appropriation for Certificate 67947 (described in Finding of Fact #4) appear to describe two different points of appropriation, the Department has determined, based upon information contained in the record, that both certificates utilize the same, single well (KLAM 14939) which is actually located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	10 E	WM	8	SW SE	930 FEET NORTH AND 2614 FEET WEST FROM THE SE CORNER OF SECTION 8

7. Notice of the application for transfer was published on October 23, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On January 14, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10471 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of February 18, 2008, 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 January 24, 2008, the applicant's Certified Water Rights Examiner revised the application map to accurately reflect the location of the authorized point of appropriation, referenced to recognized survey corners.

***Transfer Review Criteria (OAR 690-380-4010)***

10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10471.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. The authorized well (KLAM 14939) is completed in sediments that overlay basalt that occurs at a greater depth. The geology at the site of the proposed well is similar. Therefore, the source of water at the proposed point of appropriation is likely to be the same as that at the original well.

**Determination and Proposed Action**

The change in point of appropriation proposed in application T-10471 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10471 is approved, the final order will include the following:*

- 1. The change in point of appropriation proposed in application T-10471 is approved.*
- 2. Water right certificates 48601 and 67947 are cancelled. A new certificate will be issued describing that portion of Certificate 67947 not affected by this transfer.*
- 3. 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 Certificates 48601 and 67947 and any related decree.*
- 4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 6. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
- 7. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 29<sup>th</sup> day of January 2008.



*PCW*  
Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrp.state.or.us](mailto:Dorothy.I.Pedersen@wrp.state.or.us).

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*