



Oregon
Kate Brown, Governor

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

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of a Dispute)
Pursuant to ORS 540.210)
)
Klamath Irrigation District)
Disputant,)
)
Bureau of Reclamation)
Reservoir Owner.)

REQUEST FOR INFORMATION

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JUN 25 2020

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TO:
DIVINE, MARJORIE A
857 GRIFFITH LN,
KLAMATH FALLS, OR 97603

Pursuant to ORS 540.210, the authority delegated by the Oregon Water Resources Commission under ORS 536.026, and applicable regulations, **DIVINE, MARJORIE A** is hereby required to deliver documents and responses, on or before 5:00 p.m. on June 24, 2020, to the Oregon Water Resources Department ("Department") offices at 725 Summer Street NE, Salem, Oregon 97301, or by electronic means to owrd.klamathdata@oregon.gov, regarding the following topics:

Water Right or Determined Claim

- WRD records show that the following water rights or determined claims authorize the use of water for irrigation or other uses on lands which list you as the owner:

Claim/Cert	Number	POD TRSQQ	Priority Date
KA	194	39S/9E-17SENW	8/30/1879

- If the above information is incorrect, please explain and provide any additional water right or determined claim number(s) for your lands sourced by the Klamath River or stored water from Upper Klamath Lake, in part or in full, here:

Number 194 Township 39 South / Range 9 East w.M. Sec 8
Township 39 south, Range 9 East w.M. Sec. 17

Section 8 45.1 Acres
Section 12 25.2 Acres
70.3 Acres total

Physical Structure

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- 3) Where is the point of diversion(s) (POD) from the Klamath River located? Please attach a photograph of each POD and give a GPS location if available. *map*

- 4) What is the physical nature of the POD? (e.g., ditch, canal, or pump system) *Pump System*

- 5) Is there a functioning headgate or valve at the POD? *No*

- 6) Is there a water use measuring device at the POD? (e.g., weir, submerged orifice, totalizing flow meter) If yes please describe. *No*

Water Diversion

- 7) Do you physically divert water from the Klamath River through your PODs? *yes*

If yes:

- Pump*
- a) How do you measure the rate and duty of water you divert from the Klamath River? *0*
- b) How frequently do you check or monitor the measuring device and record the readings? *0*
- c) Please provide the last two years of water use data recorded for the POD.
*Did not use water last 2 yrs.
Pump not working*
- d) Do you communicate with the U.S. Bureau of Reclamation (BOR) that you are diverting water from the Klamath River? If so, please describe how and when you communicate diversions to BOR. *No*

If no:

- e) Who physically diverts water from the Klamath River for your use? (e.g., BOR, irrigation district, etc.) *I do when we use or family*

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- f) How are you informed about the rate and duty of water diverted from the Klamath River for your use by others?
- g) Do you have a contract with the person or entity who diverts water from the Klamath River for your use? If so, please attach a copy.

2020 Water Use

- 8) Of the water diverted for the 2020 irrigation season, how much (in acre feet) is from live flow and how much is from stored water?

*No water diverted - pump not working -
need To buy new pump*

- 9) How many acre feet of water in total have you diverted from the Klamath River in 2020?

none

- 10) Do you also use water from another source, such as groundwater, another stream, or a spring? If so, how much water have you diverted or pumped from each of those other sources in 2020? *none*

- 11) How many irrigated acres are currently in production? How many acres do you estimate will be ready, willing and able to apply water for beneficial use in 2020?

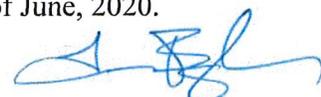
*70.3 acres in pasture for 50+ pairs of cattle
70.3 acres ready if I get new pump*

- 12) Who is the best point of contact for any questions or requests for access to the POD? Please provide name, telephone number and email.

Marjorie Divine [REDACTED]
[REDACTED]

If you have questions regarding this request for information, please contact Dani Watson, District 17 Watermaster, at 541-883-4182.

ISSUED this 9th day of June, 2020.

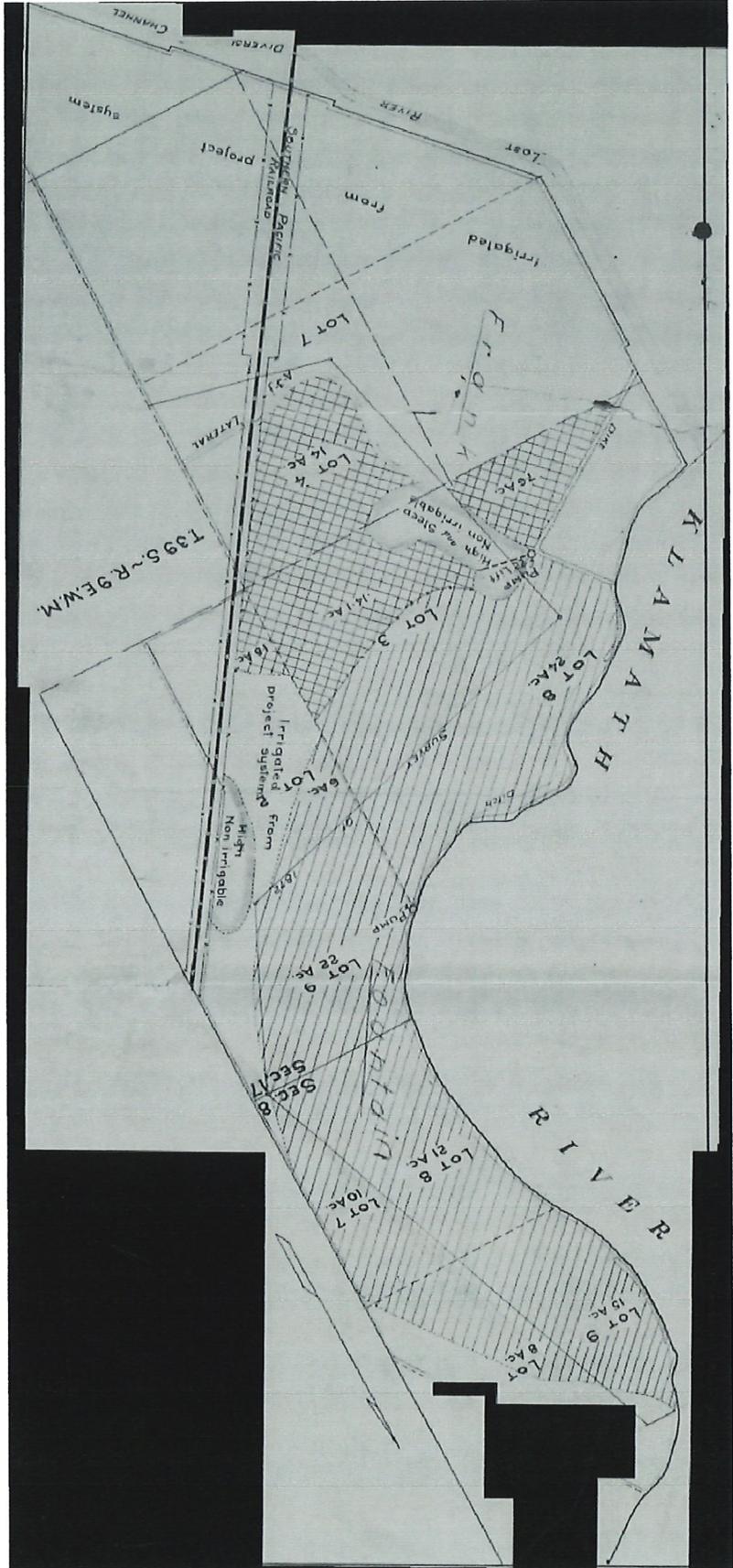


THOMAS M. BYLER, Director
Oregon Water Resources Department

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Map for water rights
Claim for Divine
Marjorie Divine

**Summary - Preliminary Evaluation of Claims
Klamath Basin General Stream Adjudication**

Claim No. **194**
Pre-1909 claim
for Marjorie Divine

Current Claimant(s) of Record:

~~Gary Griffith~~
~~Marjorie Divine~~
~~Victor Divine~~
857 Griffith Lane
Klamath Falls OR 97603-9369

Original Claimant(s):

~~David Griffith~~
~~Gary Griffith~~
~~Marjorie Divine~~
~~Victor Divine~~

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~~David Griffith~~
~~Nora Griffith~~
PO Box 7579
Klamath Falls, OR 97602

The general location of the claimed use is Township 39 South, Range 9 East, W.M.

This preliminary evaluation takes into consideration all information available as of September 15, 1999.

ELEMENTS OF A PRE-1909 CLAIM

1. Elements of a Pre-1909 right are:
 - a. Use of water, or construction of works for the application of water prior to February 24, 1909.
 - b. Completion of works within a reasonable time after commencement of construction or use of water.

CLAIM INFORMATION

2. The claim was filed on December 3, 1990.
3. The claim is for a total of 3.57 cubic feet per second from one point of diversion located on Klamath River, tributary to Pacific Ocean, for irrigation of 142.6 acres.
4. The claimed period of use is March through October.

5. The claimed priority date is 1867.

FINDINGS OF FACT

- 6. The Department performed a field inspection which found the use.
- 7. The delivery system has the capacity to deliver 1.36 cubic feet per second.
- 8. For reasons stated in Appendix A of this Report, the appropriate rate, duty, and season of use for the claimed use(s) in this basin are as follows:

RATE: 1/40th cfs/acre DUTY: 3.5 af/acre SEASON: March 1 - October 31

- 9. The Department finds the following actual use, subject to rate, duty, and season limitations described above:

POINT OF DIVERSION LOCATION: SE ¼ NW ¼, Section 17, Township 39 South, Range 9 East, W.M.

SOURCE: Klamath River, tributary to Pacific Ocean

USE: irrigation of 142.6 acres

AMOUNT ACTUALLY BENEFICIALLY USED: 1.36 cubic feet per second, measured at the point of diversion. This is less than the claimed amount; based on system capacity.

PERIOD OF USE: March 1 - October 31

PRIORITY DATE: May 19, 1905

PLACE OF USE:

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NE ¼ SE ¼	3.3	ACRES IRRIGATION
SE ¼ SE ¼	6.2	ACRES IRRIGATION
LOT 6 NE ¼ SE ¼	0.2	ACRES IRRIGATION
LOT 7 SE ¼ SE ¼	8.2	ACRES IRRIGATION
LOT 8 SE ¼ SE ¼	21.1	ACRES IRRIGATION
LOT 9 NE ¼ SE ¼	6.1	ACRES IRRIGATION

Marjorie Land

SECTION 8

TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M.

45.1 Acres

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NE ¼ NE ¼	1.1	ACRES IRRIGATION
NW ¼ NE ¼	3.1	ACRES IRRIGATION
NE ¼ NW ¼	0.4	ACRES IRRIGATION
SE ¼ NW ¼	6.3	ACRES IRRIGATION
LOT 2	6.0	ACRES IRRIGATION
LOT 3	14.2	ACRES IRRIGATION
LOT 7	12.7	ACRES IRRIGATION
LOT 8	28.5	ACRES IRRIGATION

Gary + David Griffith

LOT 9 NE ¼ NE ¼ 25.2 ACRES IRRIGATION - *Marjorie*
 SECTION 17
 TOWNSHIP 39 SOUTH, RANGE 9 EAST, W.M. *25.2 Acres*

10. For the required Pre-1909 elements the Department finds:
- a. Use of water, or construction of works for the application of water occurred on May 19, 1905.
 - b. Works were completed within a reasonable time after commencement of construction or use of water.

CONCLUSION

11. The elements for a Pre-1909 right are established for this claim. Therefore, the claim is approved to the extent of beneficial use as described in item 9 above.

Dated the 4th day of October, 1999.

Richard D. Bailey

Richard D. Bailey, Adjudicator
 Klamath Basin General Stream Adjudication

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