

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

In the Matter of Permit Amendment)
T-10451, Klamath County)
)
)
)
)

FINAL ORDER APPROVING
CHANGES IN POINTS OF
APPROPRIATION AND
PLACE OF USE

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

RUNNING Y RESORT, INC.
ATTN: JON BARKEE
5500 RUNNING Y ROAD
KLAMATH FALLS, OR 97601

Agent

GSI WATER SOLUTIONS, INC.
ATTN: ADAM SUSSMAN
1600 SW WESTERN BLVD, SUITE 240
CORVALLIS, OR 97333

Findings of Fact

Background

1. On August 29, 2007, Running Y Resort, Inc. filed an application to amend the points of appropriation and place of use under Permits G-12296 and G-16117. The Department assigned the application number T-10451.
2. The applicant's agent submitted additional information on March 10, 2008, to clarify the proposed place of use.
3. The first permit to be amended is as follows:

Permit: G-12296 (Application G-13980), in the name of RUNNING Y UTILITY COMPANY, *as previously amended under Permit Amendment T-8907, by Special Order Volume 57, Pages 109-111.*

Use: QUASI-MUNICIPAL

Priority Date: FEBRUARY 9, 1995

Quantity: 3.0 CUBIC FEET PER SECOND (CFS)

Source: THREE WELLS, in the Klamath River Basin

Date of Completion of Construction: OCTOBER 1, 2008

Date of Complete Application of Water: OCTOBER 1, 2009

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
38 S	8 E	WM	9	NE SW	2050 feet North and 1980 feet East from the SW corner of Section 9
38 S	8 E	WM	9	SE SW	790 feet North and 2340 feet East from the SW corner of Section 9
38 S	8 E	WM	15	NENE*	1279 feet South and 986 feet East from the NW corner of Section 15. <i>(As previously amended under Permit Amendment T-8907, by Sp. Or. Vol. 57, Pgs. 109-111.)</i>
* = <i>Scrivener's error in the location, as previously amended under T-8907.</i>					

Authorized Place of Use:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
37 S	8 E	WM	28	NW SW
37 S	8 E	WM	28	SW SW
37 S	8 E	WM	28	SE SW
37 S	8 E	WM	29	NE SE
37 S	8 E	WM	29	SE SE
37 S	8 E	WM	33	NE NW
37 S	8 E	WM	33	NW NW
37 S	8 E	WM	33	SW NW
37 S	8 E	WM	33	SE NW
37 S	8 E	WM	33	NE SW
37 S	8 E	WM	33	SE SW
37 S	8 E	WM	33	NW SE
37 S	8 E	WM	33	SW SE
37 S	8 E	WM	33	SE SE
38 S	8 E	WM	3	SW SW
38 S	8 E	WM	3	SE SW
38 S	8 E	WM	4	NE NE
38 S	8 E	WM	4	NW NE
38 S	8 E	WM	4	SW NE
38 S	8 E	WM	4	SE NE
38 S	8 E	WM	4	SW NW
38 S	8 E	WM	4	NE SW
38 S	8 E	WM	4	NW SW
38 S	8 E	WM	4	SW SW
38 S	8 E	WM	4	SE SW
38 S	8 E	WM	4	NE SE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
38 S	8 E	WM	4	NW SE
38 S	8 E	WM	4	SW SE
38 S	8 E	WM	4	SE SE
38 S	8 E	WM	5	SE NE
38 S	8 E	WM	5	NE SE
38 S	8 E	WM	5	NW SE
38 S	8 E	WM	5	SW SE
38 S	8 E	WM	5	SE SE
38 S	8 E	WM	8	NE NE
38 S	8 E	WM	8	NE SW
38 S	8 E	WM	8	NE SE
38 S	8 E	WM	8	NW SE
38 S	8 E	WM	9	NE NE
38 S	8 E	WM	9	NW NE
38 S	8 E	WM	9	SW NE
38 S	8 E	WM	9	SE NE
38 S	8 E	WM	9	NE NW
38 S	8 E	WM	9	NW NW
38 S	8 E	WM	9	SW NW
38 S	8 E	WM	9	SE NW
38 S	8 E	WM	9	NE SW
38 S	8 E	WM	9	NW SW
38 S	8 E	WM	9	SW SW
38 S	8 E	WM	9	SE SW
38 S	8 E	WM	9	NE SE
38 S	8 E	WM	9	NW SE
38 S	8 E	WM	9	SW SE
38 S	8 E	WM	9	SE SE
38 S	8 E	WM	10	SW NE
38 S	8 E	WM	10	SE NE
38 S	8 E	WM	10	NE NW
38 S	8 E	WM	10	NW NW
38 S	8 E	WM	10	SW NW
38 S	8 E	WM	10	SE NW
38 S	8 E	WM	10	NE SW
38 S	8 E	WM	10	NW SW
38 S	8 E	WM	10	SW SW

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
38 S	8 E	WM	10	SE SW
38 S	8 E	WM	15	NE NW
38 S	8 E	WM	15	NW NW
38 S	8 E	WM	15	SW NW
38 S	8 E	WM	15	SE NW
38 S	8 E	WM	15	NE SW
38 S	8 E	WM	15	NW SW
38 S	8 E	WM	15	SW SW
38 S	8 E	WM	15	SE SW
38 S	8 E	WM	15	NW SE
38 S	8 E	WM	15	SW SE
38 S	8 E	WM	15	SE SE
38 S	8 E	WM	16	NE NE
38 S	8 E	WM	16	NW NE
38 S	8 E	WM	16	SE NE
38 S	8 E	WM	16	NE SE
38 S	8 E	WM	16	SE SE
38 S	8 E	WM	22	NE NE
38 S	8 E	WM	22	NW NE
38 S	8 E	WM	22	SW NE
38 S	8 E	WM	22	SE NE
38 S	8 E	WM	22	NE NW

4. There is a scrivener's error in the description of the authorized point of appropriation (well) under Permit G-12296, as previously amended by Special Order Volume 57, Pages 109-111 (Permit Amendment T-8907). The quarter-quarter section description for the amended well (being in the NE ¼ NE ¼ of Section 15, T. 38 South, R. 8 East, W.M.; 1279 feet South and 986 feet East from the NW corner of Section 15) is in error. Based on the survey coordinates, the description of the previously amended well should be as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
38 S	8 E	WM	15	<u>NW NW</u>	1279 feet South and 986 feet East from the NW corner of Section 15

5. The second permit to be amended is as follows:

Permit: G-16117 (Application G-16471), in the name of RUNNING Y RESORT, INC.
Use: QUASI-MUNICIPAL
Priority Date: MAY 31, 2005
Quantity: 4.46 CUBIC FEET PER SECOND (CFS)
Source: FOUR WELLS, in the Upper Klamath Lake Basin

**Date of Completion of Construction
and Complete Application of Water: OCTOBER 1, 2011**

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
38 S	8 E	WM	36	SE SW	Well 1 – 315 feet North and 1490 feet East from the SW corner of Section 36
38 S	8 E	WM	36	NE SW	Well 2 – 1595 feet North and 1340 feet East from the SW corner of Section 36
38 S	8 E	WM	35	NE SE	Well 3 – 2095 feet North and 220 feet West from the SE corner of Section 35
38 S	8 E	WM	36	SW NW	Well 4 – 2830 feet North and 925 feet East from the SW corner of Section 36

Authorized Place of Use:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
38 S	8 E	WM	22	SE NE
38 S	8 E	WM	22	NE SE
38 S	8 E	WM	22	NW SE
38 S	8 E	WM	22	SW SE
38 S	8 E	WM	22	SE SE
38 S	8 E	WM	23	SW SW
38 S	8 E	WM	25	SW NW
38 S	8 E	WM	25	SE NW
38 S	8 E	WM	25	NE SW
38 S	8 E	WM	25	NW SW
38 S	8 E	WM	25	SW SW
38 S	8 E	WM	25	SE SW
38 S	8 E	WM	26	NW NE
38 S	8 E	WM	26	SW NE
38 S	8 E	WM	26	SE NE
38 S	8 E	WM	26	NE NW
38 S	8 E	WM	26	NW NW
38 S	8 E	WM	26	SW NW
38 S	8 E	WM	26	SE NW
38 S	8 E	WM	26	NE SW
38 S	8 E	WM	26	NW SW
38 S	8 E	WM	26	SE SW
38 S	8 E	WM	26	NE SE
38 S	8 E	WM	26	NW SE
38 S	8 E	WM	26	SW SE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
38 S	8 E	WM	26	SE SE
38 S	8 E	WM	27	NE NE
38 S	8 E	WM	27	SE NE
38 S	8 E	WM	35	NE NE
38 S	8 E	WM	35	NW NE
38 S	8 E	WM	35	SW NE
38 S	8 E	WM	35	SE NE
38 S	8 E	WM	35	NE NW
38 S	8 E	WM	35	NE SE
38 S	8 E	WM	35	SE SE
38 S	8 E	WM	36	NE NW
38 S	8 E	WM	36	NW NW
38 S	8 E	WM	36	SW NW
38 S	8 E	WM	36	SE NW
38 S	8 E	WM	36	NE SW
38 S	8 E	WM	36	NW SW
38 S	8 E	WM	36	SW SW
38 S	8 E	WM	36	SE SW

6. Application T-10451 proposes to change the points of appropriation for Permit G-12296 and Permit G-16117 to all of the following:

Twp	Rng	Mer	Sec	¼ ¼	Location
38 S	8 E	WM	9	NE SW	Well #1 – 2050 feet North and 1980 feet East from the SW corner of Section 9
38 S	8 E	WM	9	SE SW	Well #2 – 790 feet North and 2340 feet East from the SW corner of Section 9
38 S	8 E	WM	15	NW NW	Well #3 – 1279 feet South and 986 feet East from the NW corner of Section 15
38 S	8 E	WM	26	SW SE	Ridge Water Well #1 – 685 feet North and 1475 feet West from the SE corner of Section 26
38 S	8 E	WM	36	NE SW	Ridge Water Well #2 – 1595 feet North and 1340 feet East from the SW corner of Section 36
38 S	8 E	WM	35	NE SE	Ridge Water Well #3 – 2095 feet North and 220 feet West from the SE corner of Section 35
38 S	8 E	WM	36	SW NW	Ridge Water Well #4 – 2830 feet North and 925 feet East from the SW corner of Section 36

7. Application T-10451 proposes to change the place of use for Permit G-12296 and Permit G-16117 to all of the following:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
37 S	8 E	WM	28	NW SW
37 S	8 E	WM	28	SW SW
37 S	8 E	WM	28	SE SW
37 S	8 E	WM	29	NE SE
37 S	8 E	WM	29	SE SE
37 S	8 E	WM	33	NE NW
37 S	8 E	WM	33	NW NW
37 S	8 E	WM	33	SW NW
37 S	8 E	WM	33	SE NW
37 S	8 E	WM	33	NE SW
37 S	8 E	WM	33	NW SW
37 S	8 E	WM	33	SE SW
37 S	8 E	WM	33	NW SE
37 S	8 E	WM	33	SW SE
37 S	8 E	WM	33	SE SE
38 S	8 E	WM	3	SW SW
38 S	8 E	WM	3	SE SW
38 S	8 E	WM	4	NE NE
38 S	8 E	WM	4	NW NE
38 S	8 E	WM	4	SW NE
38 S	8 E	WM	4	SE NE
38 S	8 E	WM	4	SW NW
38 S	8 E	WM	4	NE SW
38 S	8 E	WM	4	NW SW
38 S	8 E	WM	4	SW SW
38 S	8 E	WM	4	SE SW
38 S	8 E	WM	4	NE SE
38 S	8 E	WM	4	NW SE
38 S	8 E	WM	4	SW SE
38 S	8 E	WM	4	SE SE
38 S	8 E	WM	5	SE NE
38 S	8 E	WM	5	NE SE
38 S	8 E	WM	5	NW SE
38 S	8 E	WM	5	SW SE
38 S	8 E	WM	5	SE SE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
38 S	8 E	WM	8	NE NE
38 S	8 E	WM	8	NE SW
38 S	8 E	WM	8	NE SE
38 S	8 E	WM	8	NW SE
38 S	8 E	WM	9	NE NE
38 S	8 E	WM	9	NW NE
38 S	8 E	WM	9	SW NE
38 S	8 E	WM	9	SE NE
38 S	8 E	WM	9	NE NW
38 S	8 E	WM	9	NW NW
38 S	8 E	WM	9	SW NW
38 S	8 E	WM	9	SE NW
38 S	8 E	WM	9	NE SW
38 S	8 E	WM	9	NW SW
38 S	8 E	WM	9	SW SW
38 S	8 E	WM	9	SE SW
38 S	8 E	WM	9	NE SE
38 S	8 E	WM	9	NW SE
38 S	8 E	WM	9	SW SE
38 S	8 E	WM	9	SE SE
38 S	8 E	WM	10	SW NE
38 S	8 E	WM	10	SE NE
38 S	8 E	WM	10	NE NW
38 S	8 E	WM	10	NW NW
38 S	8 E	WM	10	SW NW
38 S	8 E	WM	10	SE NW
38 S	8 E	WM	10	NE SW
38 S	8 E	WM	10	NW SW
38 S	8 E	WM	10	SW SW
38 S	8 E	WM	10	SE SW
38 S	8 E	WM	15	NE NW
38 S	8 E	WM	15	NW NW
38 S	8 E	WM	15	SW NW
38 S	8 E	WM	15	SE NW
38 S	8 E	WM	15	NE SW
38 S	8 E	WM	15	NW SW
38 S	8 E	WM	15	SW SW

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
38 S	8 E	WM	15	SE SW
38 S	8 E	WM	15	NW SE
38 S	8 E	WM	15	SW SE
38 S	8 E	WM	15	SE SE
38 S	8 E	WM	16	NE NE
38 S	8 E	WM	16	NW NE
38 S	8 E	WM	16	SE NE
38 S	8 E	WM	16	NE SE
38 S	8 E	WM	16	SE SE
38 S	8 E	WM	22	NE NE
38 S	8 E	WM	22	NW NE
38 S	8 E	WM	22	SW NE
38 S	8 E	WM	22	SE NE
38 S	8 E	WM	22	NE NW
38 S	8 E	WM	22	NE SE
38 S	8 E	WM	22	NW SE
38 S	8 E	WM	22	SW SE
38 S	8 E	WM	22	SE SE
38 S	8 E	WM	23	SW SW
38 S	8 E	WM	25	SW NW
38 S	8 E	WM	25	SE NW
38 S	8 E	WM	25	NE SW
38 S	8 E	WM	25	NW SW
38 S	8 E	WM	25	SW SW
38 S	8 E	WM	25	SE SW
38 S	8 E	WM	26	NW NE
38 S	8 E	WM	26	SW NE
38 S	8 E	WM	26	SE NE
38 S	8 E	WM	26	NE NW
38 S	8 E	WM	26	NW NW
38 S	8 E	WM	26	SW NW
38 S	8 E	WM	26	SE NW
38 S	8 E	WM	26	NE SW
38 S	8 E	WM	26	NW SW
38 S	8 E	WM	26	SE SW
38 S	8 E	WM	26	NE SE
38 S	8 E	WM	26	NW SE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	¼ ¼
38 S	8 E	WM	26	SW SE
38 S	8 E	WM	26	SE SE
38 S	8 E	WM	27	NE NE
38 S	8 E	WM	27	SE NE
38 S	8 E	WM	35	NE NE
38 S	8 E	WM	35	NW NE
38 S	8 E	WM	35	SW NE
38 S	8 E	WM	35	SE NE
38 S	8 E	WM	35	NE NW
38 S	8 E	WM	35	NE SE
38 S	8 E	WM	35	SE SE
38 S	8 E	WM	36	NE NW
38 S	8 E	WM	36	NW NW
38 S	8 E	WM	36	SW NW
38 S	8 E	WM	36	SE NW
38 S	8 E	WM	36	NE SW
38 S	8 E	WM	36	NW SW
38 S	8 E	WM	36	SW SW
38 S	8 E	WM	36	SE SW

8. Notice of the application for the permit amendment was published in the Department's weekly notice on September 4, 2007, and in the *Herald and News* newspaper on April 10, 17 and 24, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
9. The changes would not result in injury to other water rights.
10. The proposed place of use is owned and/or controlled by the permit holder.
11. The changes do not enlarge the permits.
12. The changes do not alter any other terms of the permits.
13. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The changes in points of appropriation and place of use proposed by Permit Amendment Application T-10451 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

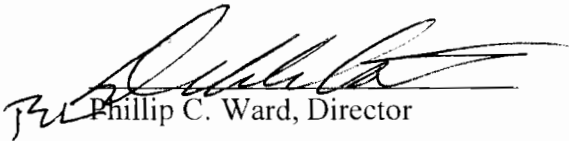
The changes and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the proposed points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meters or measuring devices in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee 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.

3. Water shall be acquired from the same ground water source as the original points of appropriation.
4. All other terms and conditions of Permits G-12296 and G-16117 remain the same.
5. Permit G-12296, in the name of Running Y Utility Company, is amended as described herein.
6. Permit G-16117, in the name of Running Y Resort, Inc., is amended as described herein.

Dated at Salem, Oregon this 28th day of May, 2008.


Phillip C. Ward, Director

Mailing date: MAY 30 2008