

STATE OF OREGON

COUNTY OF KLAMATH

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8907 submitted by

RUNNING Y, INC.
5500 RUNNING Y ROAD
KLAMATH FALLS, OREGON 97601.

The permit to be modified is Permit G-12296 with a date of priority of FEBRUARY 9, 1995. The permit allows the use of THREE WELLS, in the KLAMATH RIVER BASIN, for QUASI-MUNICIPAL USE. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 3.0 cubic feet per second, if available at the original wells; NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 16, T 38 S, R 8 E, W.M.; WELL 1 - 2050 FEET NORTH AND 1980 FEET EAST; WELL 2 - 790 FEET NORTH AND 2340 FEET EAST; BOTH FROM THE SW CORNER OF SECTION 9; WELL 3 - 130 FEET SOUTH AND 4490 FEET EAST FROM THE NW CORNER OF SECTION 16, or its equivalent in case of rotation, measured at the well.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

This is an 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The authorized place of use is as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 28

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 29

NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 33

TOWNSHIP 37 SOUTH, RANGE 8 EAST, W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 3

NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$
SE $\frac{1}{4}$
SECTION 4

SE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 8

ALL
SECTION 9

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$
SW $\frac{1}{4}$
SECTION 10

NW $\frac{1}{4}$
SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 15

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 16

NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 22

TOWNSHIP 38 SOUTH, RANGE 8 EAST, W.M.

The applicant proposes to change the point of appropriation of Well 3 to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, T 38 S, R 8 E, W.M.; 1279 FEET SOUTH AND 986 FEET EAST FROM THE NW CORNER OF SECTION 15.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well), together with that diverted at the other authorized points of appropriation, shall not exceed the maximum rate and duty allowed under the water right permit.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-12296, in the name of RUNNING Y, INC. is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed FEB 18 2003_____.


Paul R. Cleary, Director