

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

In the Matter of Permit Amendment                    )     FINAL ORDER  
T-12631, Lake County                                    )     DENYING ADDITIONAL POINTS OF  
  )     APPROPRIATION

**Authority**

Oregon Revised Statute (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**

JRS PROPERTIES III LP  
PO BOX 27  
BOISE, ID 83707

**Findings of Fact**

1. On April 5, 2017, JRS Properties III L.P. filed an application for additional points of appropriation under Permit G-15548. The Department assigned the application number T-12631.
2. On August 14, 2015, the Department approved an extension of time for complete application of water to October 1, 2018.
3. On March 1, 2019, the Department approved an extension of time for complete application of water to October 1, 2023.

This is a final order in other than 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 and OAR 690-01-0005 you may either 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.

4. Permit Amendment Application T-12631 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)
33 S	19 E	WM	7	NE SE	WELL #2 - 1690 FEET NORTH AND 770 FEET WEST FROM THE SE CORNER OF SECTION 7	1.4 mi.
33 S	19 E	WM	8	SE NE	WELL #3 - 2048 FEET SOUTH AND 563 FEET WEST FROM THE NE CORNER OF SECTION 8	0.5 mi.
33 S	19 E	WM	8	NW NW	WELL #4 - 325 FEET SOUTH AND 4704 FEET WEST FROM THE NE CORNER OF SECTION 8	1.3 mi.
33 S	19 E	WM	17	SW NW	WELL #1 - 2600 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 17	1.5 mi.

5. The Department's Groundwater Section has determined that the use of the proposed Well #1 will result in significant increase in interference with the Chewaucan River, resulting in an increase in interference with other surface water rights, being Certificates 2816, 2821, and 3652.

Well #1 (LAKE 4564) is completed solely in the predominantly basin fill sediment unit rather than the predominantly volcanic rock and sediment unit as the other three additional points of appropriation (POA). The interference with the Chewaucan River can potentially increase from 0.588 cfs (264 gpm) to 2.421 cfs (1,087 gpm) by the end of the irrigation season with the inclusion of POA Well #1 (LAKE 4564) as an additional POA well.

***Permit Amendment Review Criteria***

6. The changes would interfere substantially with existing surface water rights, being Certificates 2816, 2821, and 3652, resulting in injury to the rights.
7. The proposed place of use is owned and/or controlled by the permit holder.
8. The changes as conditioned do not enlarge the permit.
9. The changes do not alter any other terms of the permit.
10. The approval of one of the additional points of appropriation, proposed Well #1 (LAKE 4564), would cause a significant seasonal impact to the Chewaucan River, and cannot be approved.

**Conclusions of Law**

The additional points of appropriation proposed by Permit Amendment Application T-12631 are **NOT** consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed by Permit Amendment Application T-12631 are denied.

Dated at Salem, Oregon this APR 29 2019.

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

*Mailing Date:* APR 30 2019