

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

In the Matter of Permit Amendment)
T-11937, Lake County)
)
)
)
)

FINAL ORDER
APPROVING AN ADDITIONAL POINT
OF APPROPRIATION AND
DIMINUTION OF A WATER RIGHT
CERTIFICATE

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

GERALD A. AND MARY LOUISE GOULD
15597 DIAMOND ROAD
LAKEVIEW, OR 97630

Findings of Fact

1. On December 8, 2014, GERALD A. AND MARY LOUISE GOULD filed an application for an additional point of appropriation under Permit G-15445. The Department assigned the application number T-11937.
2. On November 6, 2015, the Department approved an extension of time for complete application of water to October 1, 2021.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on December 16, 2014, and in the Lakeview Examiner newspaper on March 9 and 16, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. Permit Amendment Application T-11937 proposes an additional point of appropriation approximately 1670 feet from the existing point of appropriation. The proposed additional point of appropriation is located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	18	NE NE	WELL 2 - 1280 FEET SOUTH AND 900 FEET WEST FROM THE NE¼ CORNER OF SECTION 18

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.

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Diminution of a Water Right Certificate

8. On January 11, 2016, the Department received an affidavit from Gerald Alvin Gould and Mary Louise Gould for Diminution of an entire Water Right Certificate. The right to be diminished is as follows:

Certificate: 49058 in the name of LLOYD COLLINS (perfected under Permit S-41244)

Use: IRRIGATION OF 78.8 ACRES

Priority Date: NOVEMBER 15, 1976

Rate: 1.4 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: AN UNNAMED STREAM, A TRIBUTARY TO DREWS CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured distances
40 S	19 E	WM	18	NE NE	1500 FEET NORTH AND 1890 FEET EAST FROM THE CENTER OF SECTION 18

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	19 E	WM	18	NE NE	39.6
40 S	19 E	WM	18	NW NE	39.2
Total					78.8

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-11937 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-11937 is approved.
2. Water Right Certificate 49058 is cancelled.

3. Permit G-17536, in the names of GERALD A. AND MARY LOUISE GOULD, is issued to replace Permit G-15445, and incorporates the amendments approved by this order and the extension of time. Permit G-15445, in the names of GERALD ALVIN AND MARY LOUISE GOULD, is no longer of any force or effect.
4. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each new and existing point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. The Department shall issue a new and superseding certificate to confirm the diminution of Certificate 49058.
8. All other terms and conditions of Permit G-17536 remain the same.

Dated at Salem, Oregon this 16 day of April, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: APR 18 2016