# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER
T-10419, Klamath County	)	APPROVING A CHANGE IN POINT OF
	)	APPROPRIATION

### 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**

Driscoll Strawberry Association, Inc. Holly Burgess, Nursery Dept. Manager P.O. Box 50045 Watsonville, California 95077-5045

#### **Findings of Fact**

- On June 27, 2007, Driscoll Strawberry Association, Inc., filed an application to amend the point of appropriation of Well 2 under Permit G-15347. The Department assigned the application number T-10419.
- 2. The permit to be amended is as follows:

Permit:

G-15347, in the name of Driscoll Strawberry Association, Inc.;

Use:

Supplemental Irrigation

Priority Date: June 24, 2002

Quantity:

11.5 cubic feet per second

Rate/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Acres:

916.8 acres

Source:

Two wells, in the Lost River Basin

Date of Complete Application of Water:

October 1, 2007

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 137-004-080 and OAR 690-01-005 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.

# **Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	11 E	WM	10	NE SW	Well 1 - 400 feet North and 300 feet West from the S 1/16 <sup>th</sup> Corner of Section 10
41 S	11 E	WM	9	NE NW	Well 2 - 1050 feet North and 900 feet West from the N 1/16 <sup>th</sup> Corner of Section 9

# **Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Mer	Sec	Q-Q	Acres		
41 S	11 E	WM	8	NE NE	38.0	
41 S	11 E	WM	8	NW NE	12.0	
41 S	11 E	WM	8	SW NE	7.0	
41 S	11 E	WM	8	SE NE	35.0	
41 S	11 E	WM	8	NE SE	4.0	
41 S	11 E	WM	9	NE NW	35.0	
41 S	11 E	WM	9	NW NW	40.0	
41 S	11 E	WM	9	SWNW	38.0	
41 S	11 E	WM	9	SE NW	40.0	
41 S	11 E	WM	9	NE SW	40.0	
41 S	11 E	WM	9	NWSW	38.0	
41 S	11 E	WM	9	SW SW	25.0	
41 S	11 E	WM	9	SE SW	38.0	
41 S	11 E	WM	9	NE SE	20.0	
41 S	11 E	WM	9	NW SE	38.0	
41 S	11 E	WM	9	SW SE	40.0	
41 S	11 E	WM	9	SE SE	40.0	
41.S	11 E	WM	10	SW NW	20.0	
41 S	11 E	WM	10	SE NW	2.0	
41 S	11 E	WM	10	NE SW	35.0	
41 S	11 E	WM	10	NW SW	40.0	
41 S	11 E	WM	10	SW SW	40.0	
41 S	11 E	WM	10	SE SW	32.0	
41 S	11 E	WM	10	NE SE	2.0	
41 S	11 E	WM	10	NW SE	18.0	
41 S	11 E	WM	10	SW SE	40.0	
41 S	11 E	WM	10	SE SE	36.0	
41 S	11 E	WM	15	NE NE	16.0	
41 S	· 11 E	WM	15	NW NE	18.0	
41 S	11 E	WM	15	NE NW	18.0	
41 S	11 E	WM	15	NW NW	18.0	
41 S	11 E	WM	16	NE NE	18.0	
41 S	11 E	WM	16	NW NE	18.0	
41 S	11 E	WM	16	NE NW	15.0	
41 S	11 E	WM	16	NW NW	2.8	

3. Application T-10419 proposes to change the point of appropriation of Well 2 only to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
41 S	11 E	WM	9	NE NW	Well 3 - 90 feet South and 139 feet West from the N <sup>1</sup> / <sub>4</sub> Corner of Section 9

- 4. Notice of the application for the permit amendment was published in the Department's weekly notice on July 3, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 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.

#### **Conclusions of Law**

The change in point of appropriation of Well 2 proposed by Permit Amendment Application T-10419 is consistent with the requirements of ORS 537.211.

### Now, therefore, it is ORDERED:

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

- 1. The quantity of water diverted at the new point of appropriation (Well 3), together with that diverted at Well 1, shall not exceed the maximum rate and duty allowed under Permit G-15347.
- 2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 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.

3. Water shall be acquired from the same aquifer as the original point of appropriation.

Page 3 of 4

4. All other terms and conditions of Permit G-15347 remain the same.

5. Permit G-15347, in the name of Driscoll Strawberry Association, Inc., is amended as described herein.

Phillip C. Ward,

Director

Mailing Date: SEP **1 3** 2007