

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

In the Matter of Permit Amendment)	FINAL ORDER
T-13538, Klamath County)	APPROVING ADDITIONAL POINTS OF
)	APPROPRIATION AND A CHANGE IN
)	PLACES OF USE

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

OREGON WATER UTILITIES-MOUNTAIN LAKES, INC.
ATTN: CRAIG GOTT
1325 N. GRAND AVENUE, SUITE 100
COVINA, CA 91724-4044

Findings of Fact

1. On October 15, 2020, OREGON WATER UTILITIES-MOUNTAIN LAKES, INC., ATTN: CRAIG GOTT filed an application for additional points of appropriation and to change the places of use under Permits G-15438 and G-16117. The Department assigned the application number T-13538.
2. On May 28, 2008, the Department issued a Final Order (Special Order Volume 74, Page 1027), approving a change in points of appropriation and place of use under Permit G-16117.
3. On December 3, 2013, the Department approved an extension of time for complete application of water under Permit G-16117 to October 1, 2029.
4. On January 6, 2014, the Department approved an assignment of Permit G-16117 from Running Y Resort Inc. to Running Y Water, LLC.
5. On May 16, 2016, the Department approved an assignment of Permit G-15438 from Southview Water Services, LLC to Pristine Water Source, LLC.

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.

6. On July 22, 2016, the Department approved a Final Order (Special Order Volume 101, Page 497), approving a Water Management and Conservation Plan (WMCP), authorizing the Running Y Water, LLC to divert 4.02 cubic foot per second (cfs) of water out of the total permitted 4.46 cfs under Permit G-16117.
7. On July 10, 2017, the Department approved an assignment of Permit G-16117 from Running Y Water, LLC to Oregon Water Utilities-Mountain Lakes, Inc.
8. On May 18, 2018, the Department approved an extension of time for complete application of water under Permit G-15438 to October 1, 2052.
9. On July 5, 2018, the Department approved an assignment of Permit G-15438 from Pristine Water Source, LLC to Oregon Water Utilities, Inc.
10. On September 1, 2020, the Department approved an assignment of Permit G-15438 from Oregon Water Utilities, Inc. to Oregon Water Utilities-Mountain Lakes, Inc.
11. Notice of the application for the permit amendment was published in the Department's weekly notice on October 27, 2020, and in the Klamath Falls Herald and News newspaper on October 26, and November 2, 2021, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
12. Permit Amendment Application T-13538 proposes additional points of appropriation for Permit G-15438 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
38 S	8 E	WM	26	SW SE	RIDGEWATER WELL #1 - 685 FEET NORTH AND 1475 FEET WEST FROM THE SE CORNER OF SECTION 26	1.1 mi.
38 S	8 E	WM	35	NE SE	RIDGEWATER WELL #3 - 2095 FEET NORTH AND 220 FEET WEST FROM THE SE CORNER OF SECTION 35	0.6 mi.
38 S	8 E	WM	36	SW NW	RIDGEWATER WELL #4 - 2830 FEET NORTH AND 925 FEET EAST FROM THE SW CORNER OF SECTION 36	0.4 mi.
38 S	8 E	WM	36	NE SW	RIDGEWATER WELL #2 - 1595 FEET NORTH AND 1340 FEET EAST FROM THE SW CORNER OF SECTION 36	0.3 mi.

13. Permit Amendment Application T-13538 also proposes to change the place of use of Permit G-15438 to:

QUASI-MUNICIPAL USE					
Twp	Rng	Mer	Sec	Q-Q	
38 S	8 E	W/M	22	SE NE	
38 S	8 E	W/M	22	NE SE	
38 S	8 E	W/M	22	NW SE	
38 S	8 E	W/M	22	SW SE	
38 S	8 E	W/M	22	SE SE	
38 S	8 E	W/M	23	SW SW	
38 S	8 E	W/M	25	SW NW	
38 S	8 E	W/M	25	SE NW	
38 S	8 E	W/M	25	NE SW	
38 S	8 E	W/M	25	NW SW	
38 S	8 E	W/M	25	SW SW	
38 S	8 E	W/M	25	SE SW	
38 S	8 E	W/M	26	NW NE	
38 S	8 E	W/M	26	SW NE	
38 S	8 E	W/M	26	SE NE	
38 S	8 E	W/M	26	NE NW	
38 S	8 E	W/M	26	NW NW	
38 S	8 E	W/M	26	SW NW	
38 S	8 E	W/M	26	SE NW	
38 S	8 E	W/M	26	NE SW	
38 S	8 E	W/M	26	NW SW	
38 S	8 E	W/M	26	SE SW	
38 S	8 E	W/M	26	NE SE	
38 S	8 E	W/M	26	NW SE	
38 S	8 E	W/M	27	NE NE	
38 S	8 E	W/M	27	SE NE	
38 S	8 E	W/M	35	NE NE	
38 S	8 E	W/M	35	NW NE	
38 S	8 E	W/M	35	SW NE	
38 S	8 E	W/M	35	SE NE	
38 S	8 E	W/M	35	NE NW	
38 S	8 E	W/M	35	NE SE	
38 S	8 E	W/M	35	SE SE	
38 S	8 E	W/M	36	SW NE	
38 S	8 E	W/M	36	SE NE	
38 S	8 E	W/M	36	NE NW	
38 S	8 E	W/M	36	NW NW	
38 S	8 E	W/M	36	SW NW	
38 S	8 E	W/M	36	SE NW	
38 S	8 E	W/M	36	NE SW	
38 S	8 E	W/M	36	NW SW	
38 S	8 E	W/M	36	SW SW	
38 S	8 E	W/M	36	SE SW	
38 S	8 E	W/M	36	NE SE	

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
38 S	8 E	WM	36	NW SE
38 S	8 E	WM	36	SW SE
38 S	8 E	WM	36	SE SE
38 S	9 E	WM	31	SW NW
38 S	9 E	WM	31	NW SW
38 S	9 E	WM	31	SW SW
39 S	8 E	WM	1	NE NE
39 S	8 E	WM	1	NW NE
39 S	8 E	WM	1	SW NE
39 S	8 E	WM	1	SE NE
39 S	9 E	WM	6	NE NE
39 S	9 E	WM	6	NW NE
39 S	9 E	WM	6	NE NW
39 S	9 E	WM	6	NW NW
39 S	9 E	WM	6	SW NW

14. Permit Amendment Application T-13538 proposes an additional point of appropriation under Permit G-16117 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	8 E	WM	36	NW SE	SOUTHVIEW WELL #1 - 2041 FEET NORTH AND 2595 FEET WEST FROM THE SE CORNER OF SECTION 36

Approximate distance from original points of appropriation in miles (mi.)	
RidgeWater Well #1	1.1 mi.
RidgeWater Well #2	0.3 mi.
RidgeWater Well #3	0.6 mi.
RidgeWater Well #4	0.4 mi.

15. Permit Amendment Application T-13538 also proposes to change the place of use of Permit G-16117 to:

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
37 S	8 E	W11	33	SW SE
37 S	8 E	W11	33	SE SE
38 S	8 E	W11	3	SW SW
38 S	8 E	W11	3	SE SW
38 S	8 E	W11	4	NE NE
38 S	8 E	W11	4	NW NE
38 S	8 E	W11	4	SW NE
38 S	8 E	W11	4	SE NE
38 S	8 E	W11	4	SW NW
38 S	8 E	W11	4	NE SW
38 S	8 E	W11	4	NW SW
38 S	8 E	W11	4	SE SW
38 S	8 E	W11	4	NE SE
38 S	8 E	W11	4	NW SE
38 S	8 E	W11	4	SW SE
38 S	8 E	W11	4	SE SE
38 S	8 E	W11	5	SE NE
38 S	8 E	W11	5	NE SE
38 S	8 E	W11	5	NW SE
38 S	8 E	W11	5	SW SE
38 S	8 E	W11	5	SE SE
38 S	8 E	W11	8	NE NE
38 S	8 E	W11	8	NE SW
38 S	8 E	W11	8	NE SE
38 S	8 E	W11	8	NW SE
38 S	8 E	W11	9	NE NE
38 S	8 E	W11	9	NW NE
38 S	8 E	W11	9	SW NE
38 S	8 E	W11	9	SE NE
38 S	8 E	W11	9	NE NW
38 S	8 E	W11	9	NW NW
38 S	8 E	W11	9	SW NW
38 S	8 E	W11	9	SE NW
38 S	8 E	W11	9	NE SE
38 S	8 E	W11	9	NW SE
38 S	8 E	W11	9	SW SE
38 S	8 E	W11	9	SE SE
38 S	8 E	W11	10	SW NE
38 S	8 E	W11	10	SE NE
38 S	8 E	W11	10	NW NW
38 S	8 E	W11	10	SW NW
38 S	8 E	W11	10	SE NW

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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
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	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
38 S	8 E	WM	26	SW SE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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	SW NE
38 S	8 E	WM	36	SE NE
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
38 S	8 E	WM	36	NE SE
38 S	8 E	WM	36	NW SE
38 S	8 E	WM	36	SW SE
38 S	8 E	WM	36	SE SE
38 S	9 E	WM	31	SW NW
38 S	9 E	WM	31	NW SW
38 S	9 E	WM	31	SW SW
39 S	8 E	WM	1	NE NE
39 S	8 E	WM	1	NW NE
39 S	8 E	WM	1	SW NE
39 S	8 E	WM	1	SE NE
39 S	9 E	WM	6	NE NE
39 S	9 E	WM	6	NW NE
39 S	9 E	WM	6	NE NW
39 S	9 E	WM	6	NW NW
39 S	9 E	WM	6	SW NW

Permit Amendment Review Criteria

- 16. The changes would not result in injury to other water rights.
- 17. The proposed place of use is owned and/or controlled by the permit holder.
- 18. The changes do not enlarge the permits.
- 19. The changes do not alter any other terms of the permits.
- 20. The proposed place of use is contiguous to the authorized places of use.

Conclusions of Law

The additional points of appropriation and change in places of use proposed by Permit Amendment Application T-13538 are consistent with the requirements of ORS 537.211.

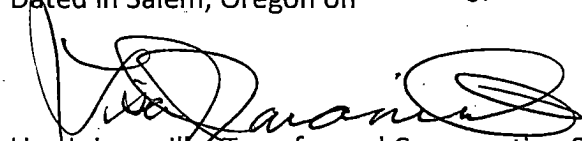
Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in places of use proposed by Permit Amendment Application T-13538 are approved.
2. Permit G-18718, in the name of OREGON WATER UTILITIES-MOUNTAIN LAKES, INC., is issued to replace Permit G-15438, and incorporates the amendments approved by this order, the extension of time, and the assignments. Permit G-15438, in the name of OREGON WATER UTILITIES-MOUNTAIN LAKES INC., is no longer of any force or effect.
3. Permit G-18719, in the name of OREGON WATER UTILITIES-MOUNTAIN LAKES, INC., is issued to replace Permit G-16117, and incorporates the amendments approved by this order, the extension of time, the assignments, and the Water Management and Conservation Plan. Permit G-16117, in the name of OREGON WATER UTILITIES-MOUNTAIN LAKES INC., is no longer of any force or effect.
4. The combined quantity of water, as authorized by Permit G-15438, diverted at the new additional points of appropriation (RidgeWater Well #1, RidgeWater Well #2, RidgeWater Well #3, and RidgeWater Well #4), together with that diverted at the old point of appropriation (Southview Well #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Southview Well #1).
5. The combined quantity of water, as authorized by Permit G-16117, diverted at the new additional point of appropriation (Southview Well #1), together with that diverted at the old points of appropriation (Well #1, Well #2, Well #3, RidgeWater Well #1, RidgeWater Well #2, RidgeWater Well #3, and RidgeWater Well #4), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well #1, Well #2, Well #3, RidgeWater Well #1, RidgeWater Well #2, RidgeWater Well #3, and RidgeWater Well #4).
6. 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 point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user 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.
7. Water shall be acquired from the same aquifer as the original points of appropriation.

8. All other terms and conditions of Permits G-18718 and G-18719 remain the same.

Dated in Salem, Oregon on

JAN 0 3 2022



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

Mailing Date:

JAN 0 4 2022