

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

In the Matter of Permit Amendment)
T-13623, Klamath County)
)
) FINAL ORDER
) APPROVING A CHANGE IN PLACE 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

JAMES AND JANET HAYDN-MYER
10807 WARNERVILLE RD
OAKDALE, CA 95361

Findings of Fact

1. On February 16, 2021, JAMES AND JANET HAYDN-MYER filed an application to change in place of use under Permit G-15503. The Department assigned the application number T-13623.
2. On September 12, 2013, the Department approved an assignment of the permit from Kenneth and Dianne Buscher to James and Janet Haydn-Myer.
3. On October 10, 2014, the Department approved an extension of time for complete application of water to October 1, 2017.
4. On January 26, 2018, the Department approved an extension of time for complete application of water to October 1, 2023.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on March 9, 2021, pursuant to ORS 540.520(5). No comments were filed in response to the notice.

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 May 20, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant’s agent of a deficiency in the application. The applicant is requesting to diminish a portion of the acres under Permit G-15503, however the applicant did not include an affidavit for the partial diminishment with the application. The Department requested that the deficiency be resolved by June 21, 2021.
7. On June 28, 2021, the Department received an Affidavit for the Partial Diminution of a Water Right Permit, resolving the deficiency.
8. Permit Amendment Application T-13623 proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	12 E	WM	4	NE SE	16.7
36 S	12 E	WM	4	SW SE	12.9
36 S	12 E	WM	4	SE SE	30.7
Total					60.3

SUPPLEMENTAL IRRIGATION*					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	12 E	WM	3	NW SW	15.0
36 S	12 E	WM	4	NE SE	1.5
36 S	12 E	WM	4	SW SE	6.2
36 S	12 E	WM	4	SE SE	7.3
Total					30.0

**Partial diminution to supplemental irrigation is described below in Finding of Fact 14.*

Permit Amendment Review Criteria

9. The change would not result in injury to other water rights.
10. The proposed place of use is owned and/or controlled by the permit holder.
11. The change does not enlarge the permit.
12. The change does not alter any other terms of the permit.
13. The proposed place of use is contiguous to the authorized place of use.

Partial Diminution of a Certain Water Right Permit

14. On June 28, 2021, the applicant’s agent submitted an Affidavit for the Partial Diminution of a Water Right Permit from James and Janet Haydn-Myer. The portion of the water right permit to be diminished is as follows:

- Permit:** G-15503 in the name of JAMES AND JANET HAYDN-MYER (developed under Application G-15914)
- Use:** IRRIGATION of 30.0 ACRES
- Priority Date:** January 22, 2003
- Rate:** 0.29 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, is limited to ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
- Source:** WELL 3 in SYCAN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
36 S	12 E	WM	4	SW SE	500 FEET NORTH AND 1080 FEET EAST FROM THE S1/4 CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
36 S	12 E	WM	4	NE SE	15.0
36 S	12 E	WM	4	SW SE	15.0
Total					30.0

15. The proposed place of use for the diminishment to supplemental irrigation is described above in Finding of Fact 8.

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-13623 is consistent with the requirements of ORS 537.211.


Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-13623 is approved.
2. Permit G-18677, in the name of JAMES AND JANET HAYDN-MYER, is issued to replace Permit G-15503, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-15503, in the name of JANET HAYDN-MYER, is no longer of any force or effect.

3. 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.
 - 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.
4. The former place of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-18677 remain the same.

Dated in Salem, Oregon on

AUG 0 5 2021


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

Mailing Date:

AUG 0 6 2021