

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

In the Matter of Permit Amendment                    )     FINAL ORDER APPROVING A CHANGE IN  
T-14033, Klamath County                                )     POINT 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**

MLM PROPERTY LLC  
PO BOX 195  
MERRILL, OR 97633

**Findings of Fact**

1. On June 15, 2022, MLM PROPERTY LLC filed an application to change a point of appropriation under Permit G-18390. The Department assigned the application number T-14033.
2. On July 26, 2019, the Department approved an extension of time for complete application of water to October 1, 2024.
3. On April 7, 2021, the Department approved an assignment of a water right permit and issuance of replacement water right permits under Split a Permit Application T-13375.
4. On May 26, 2021, the Department approved an emergency use drought temporary change in points of appropriation under transfer T-13681.
5. On August 16, 2022, the Department approved an emergency use drought temporary change in points of appropriation under transfer T-13988.
6. Notice of the application for the permit amendment was published in the Department’s weekly notice on June 28, 2022, and in the Klamath Herald and News newspaper on May 3 and 10, 2023, pursuant to ORS 540.520(5).

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 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 Application T-14033 proposes to move the authorized points of appropriation with approximate distances from the existing points as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized POA
41 S	11 E	WM	16	NE SE	1240 FEET NORTH AND 30 FEET WEST FROM SE CORNER OF SECTION 16	Well 1 – 2.7 Miles
						Well 2 – 9.1 Miles

**Permit Amendment Review Criteria**

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

**Conclusions of Law**

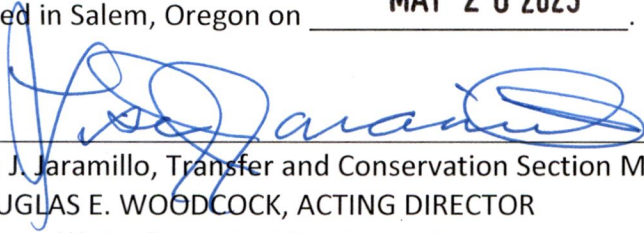
The change in point of appropriation proposed by Permit Amendment Application T-14033 is consistent with the requirements of ORS 537.211.

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

- The change in point of appropriation proposed by Permit Amendment Application T-14033 is approved.
- Permit G-18839, in the name of MLM PROPERTY LLC, is issued to replace Permit G-18390, and incorporates the amendments approved by this order, assignments, and the extension of time. Permit G-18390, in the name of MLM PROPERTY LLC, is no longer of any force or effect.
- The quantity of water diverted at the new point of appropriation (Well 3) shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 and Well 2).
- Water use measurement conditions:
  - 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.
  - The water user shall maintain the meters or measuring devices in good working order.
  - 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.
- Water shall be acquired from the same aquifer as the original points of appropriation.

6. All other terms and conditions of Permit G-18839 remain the same.

Dated in Salem, Oregon on           **MAY 26 2023**          .



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Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

**MAY 30 2023**

Mailing Date: \_\_\_\_\_