

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING
T-13758, Klamath County) ADDITIONAL POINTS 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

KLAMATH BASIN IMPROVEMENT DISTRICT
6400 KID LANE
KLAMATH FALLS, OR 97603

Findings of Fact

1. On July 1, 2021, KLAMATH BASIN IMPROVEMENT DISTRICT filed an application for additional points of appropriation under Permit G-16209. The Department assigned the application number T-13758.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on July 20, 2021, and in the Klamath Falls Herald and News newspaper on June 29 and July 6, 2022, pursuant to ORS 540.520(5).
3. On May 16, 2022 the groundwater transfer review acknowledged that proposed Well #4 is not within the same aquifer as per OAR 690-380-2110(2).
4. On May 20, 2022 the agent for the applicant removed well #4 from the application.

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.

5. Permit Amendment Application T-13758 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the Authorized Well in Miles (mi.)
39 S	9 E	WM	28	SE NE	WELL #5 – 261.7 FEET NORTH AND 32.7 FEET WEST FROM THE E 1/4 CORNER OF SECTION 28	6.5 mi.
39 S	9 E	WM	28	SE NE	WELL #6 – 74.3 FEET NORTH AND 59.0 FEET WEST FROM THE E 1/4 CORNER OF SECTION 28	6.5 mi.
39 S	10 E	WM	8	NW SW	WELL #3 – 305.3 FEET SOUTH AND 879.1 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8	4.1 mi.
39 S	10 E	WM	17	NE SE	WELL #2 - 46.0 FEET SOUTH AND 123.0 FEET WEST FROM THE E 1/4 CORNER OF SECTION 17	2.8 mi.
40 S	9 E	WM	2	NE SE	WELL #7 - 213.8 FEET SOUTH AND 439.3 FEET WEST FROM THE E 1/4 CORNER OF SECTION 2	4.9 mi.
40 S	9 E	WM	2	NE SE	WELL #8 – 282.1 FEET SOUTH AND 400.7 FEET WEST FRO THE E 1/4 CORNER OF SECTION 2	4.9 mi.
40 S	10 E	WM	6	NE SE	WELL #9 – 56.0 FEET SOUTH AND 13.5 FEET WEST FROM THE E 1/4 CORNER OF SECTION 6	3.0 mi.

Permit Amendment Review Criteria

6. The changes would not result in injury to other water rights.
7. The changes do not enlarge the permit.
8. The changes do not alter any other terms of the permit.

Conclusions of Law

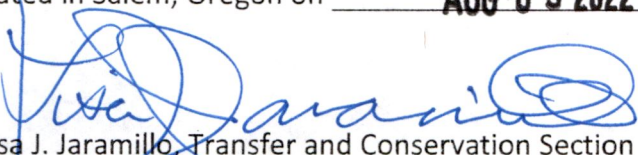
The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-13758 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed by Permit Amendment Application T-13758 are approved.

2. Permit G-18797, in the name of KLAMATH BASIN IMPROVEMENT DISTRICT, is issued to replace Permit G-16209, and incorporates the amendments approved by this order, and the extension of time. Permit G-16209, in the name of KLAMATH BASIN IMPROVEMENT DISTRICT, is no longer of any force or effect.
3. The combined quantity of water diverted at the proposed additional points of appropriation (Wells 2, 3, 5, 6, 7, 8, and 9), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
4. 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.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-18797 remain the same.

Dated in Salem, Oregon on **AUG 03 2022**


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

Mailing Date: **AUG 04 2022**