

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING
T-9378, Klamath County) 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

DONALD "SCOTT" JOHNSTON
13619 HWY 66
KLAMATH FALLS, OR 97601

Findings of Fact

Background

1. On March 19, 2003, Donald "Scott" Johnston, filed an application to amend the point of appropriation under Permit G-15156 (Application G-15474). The Department assigned the application number T-9378.
2. On June 24, 2008, Permit G-15156 (Application G-15474) was assigned from D. Scott and Ginger Johnston; Johnston Ranch, to D. Scott Johnston; Johnston Ranch.
3. The permit to be amended is as follows:
 - Permit:** G-15156 (Application G-15474), in the name of D. SCOTT JOHNSTON; JOHNSTON RANCH
 - Use:** PRIMARY IRRIGATION of 31.7 ACRES and SUPPLEMENTAL IRRIGATION of 161.3 ACRES
 - Priority Date:** APRIL 16, 2001
 - Quantity:** 2.41 CUBIC FEET PER SECOND (CFS)
 - 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 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.
 - Period of Use:** APRIL 15 through AUGUST 15
 - Source:** A WELL in the Klamath River Basin
 - Date of Complete Application of Water:** October 1, 2016

This is a final order in other than a 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 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 Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
39 S	8 E	WM	29	SW SW	North 57 degrees 30 minutes 32 seconds East 1536.78 feet from the SW corner of Section 29

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
39 S	8 E	WM	31	NE NE	10.0
39 S	8 E	WM	31	SE NE	8.0
39 S	8 E	WM	32	NW NW	8.9
39 S	8 E	WM	32	SW NW	4.4
39 S	8 E	WM	32	NW SW	0.4
TOTAL:					31.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
39 S	8 E	WM	29	SW SW	24.7
39 S	8 E	WM	29	SE SW	19.8
39 S	8 E	WM	32	NE NW	31.6
39 S	8 E	WM	32	NW NW	30.0
39 S	8 E	WM	32	SW NW	24.5
39 S	8 E	WM	32	SE NW	30.7
TOTAL:					161.3

4. Application T-9378 proposes to move the original point of appropriation under the permit approximately 2850 feet Southwest to:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
39 S	8 E	WM	32	SW NW	1845 feet South and 165 feet East from the NW corner of Section 32

5. Notice of the application for the permit amendment was published in the Department's weekly notice on April 1, 2003, and in the *Herald and News* newspaper on July 9, 16 and 23, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. 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-9378 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) shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water shall be acquired from the same ground water source as the original point of appropriation.
3. 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.

4. All other terms and conditions of Permit G-15156 remain the same.
5. Permit G-15156, in the name of D. Scott Johnston; Johnston Ranch, is amended as described herein.

Dated at Salem, Oregon this 5th day of August, 2008.


R Phillip C. Ward, Director

Mailing Date: AUG 06 2008