

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

In the Matter of Permit Amendment) FINAL ORDER
T-11697, Klamath County) APPROVING A CHANGE IN POINTS
) OF APPROPRIATION AND PLACE OF
) USE

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

CORY L. TURNER
21051 PAYGR RD
MALIN, OR 97632

Findings of Fact

1. On December 4, 2013, CORY L. TURNER filed an application to change the points of appropriation under Permit G-15407. The Department assigned the application number T-11697.
2. On January 7, 2013, the Department approved an assignment of the permit to Cory L. Turner.
3. On November 26, 2013, the Department approved an extension of time for complete application of water to October 1, 2014.
4. On March 28, 2014, the applicant amended the permit amendment application and map to include a change in place of use of a 106.68 acre portion of Permit G-15407.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on December 17, 2013, and in the Klamath Falls Herald and News newspaper on April 24 and May 1, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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 137-004-080 and OAR 690-01-005 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. Permit Amendment Application T-11697 proposes to move the authorized points of appropriation for the 106.68 acre portion between approximately 1130 and 4460 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	1	SW NW	WELL 7 - 600 FEET NORTH AND 1250 FEET EAST FROM THE C CORNER OF SECTION 1

7. Permit Amendment Application T-11697 also proposes to change the place of use of the permit to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres served by Wells 1,2,3,4,5,and 6	Acres served by Well 7
41 S	11 E	WM	1	SW NE		-	35.56
41 S	11 E	WM	1	SE NE		7.90	-
41 S	11 E	WM	1	NE SE		-	35.56
41 S	11 E	WM	1	NW SE		-	35.56
41 S	12 E	WM	6	SW SE		12.00	-
41 S	12 E	WM	6	SE SE		10.80	-
41 S	12 E	WM	7	NE NE		34.40	-
41 S	12 E	WM	7	NW NE		32.20	-
41 S	12 E	WM	7	SW NE		36.00	-
41 S	12 E	WM	7	NE NW		25.30	-
41 S	12 E	WM	7	NW NW	1	3.60	-
41 S	12 E	WM	7	SE NW		7.52	-
Sub-total acres						169.72	106.68
Total acres						276.4	

Permit Amendment Review Criteria

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

Conclusions of Law

The change in points of appropriation and change in place of use of 106.68 acres proposed by Permit Amendment Application T-11697 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-11697 is approved.
2. Permit G-17123, in the name of CORY L. TURNER, is issued to replace Permit G-15407, and incorporates the amendments approved by this order, the extension of time, and assignment. Permit G-15407, in the name of CORY L. TURNER, is no longer of any force or effect.

3. Prior to water use from the proposed point of appropriation, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at the point of appropriation. The permittee shall maintain the meter or measuring device in good working order, 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. Water shall be acquired from the same aquifer as the original points of appropriation.
5. The former place of use of the 106.68 acres shall no longer be irrigated as part of this permit.
6. All other terms and conditions of Permit G-15407 remain the same.

Dated at Salem, Oregon this 14 day of May, 2014.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: MAY 21 2014