

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

In the Matter of Permit Amendment)
T-12661, Lake County) FINAL ORDER
) APPROVING A CHANGE IN 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

HOURET FAMILY LTD, PARTNERSHIP
5570 SANCHEZ DR #230
SAN JOSE, CA 95123

Findings of Fact

1. On May 4, 2017, HOURET FAMILY LTD, PARTNERSHIP filed an application to change the points of appropriation under Permit G-13110. The Department assigned the application number T-12661.
2. On October 25, 2016, the Department approved an assignment of the permit from Robert and Lorraine Houret to The Houret Family Limited Partnership, LLC.
3. On May 26, 2017, the Department approved an extension of time for complete application of water to October 1, 2022.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 9, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. On September 21, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Department requested that the deficiencies be resolved by October 22, 2018.
6. On September 24, 2018, the applicant's agent submitted a revised map and Table 1, correcting the deficiency.

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.

7. Permit Amendment Application T-12661 proposes to move the authorized points of appropriation from the existing points of appropriation to:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the original well location in feet (ft)
39 S	20 E	WM	6	NE NE	WELL 1 - SOUTH 89 DEGREES 5 MINUTES 57 SECONDS WEST AND 5325 FEET FROM THE NE CORNER OF SECTION 5	120.7 ft SW
39 S	20 E	WM	5	SE NW	WELL 2 - SOUTH 53 DEGREES 45 MINUTES 24 SECONDS WEST AND 3690 FEET FROM THE NE CORNER OF SECTION 5	189.6 ft NE

8. The Department has found that the existing points of appropriation (POAs) obtain groundwater from the predominantly basin fill sediment unit that overlies the predominantly volcanic rock and sediment unit. The proposed POAs should also obtain groundwater from the predominantly basin fill sediment unit.

Permit Amendment Review Criteria

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

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-12661 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- 1. The change in points of appropriation proposed by Permit Amendment Application T-12661 is approved.
- 2. Permit G-18112, in the name of Houret Family Limited, Partnership, is issued to replace Permit G-13110, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-13110, in the name of HOURET FAMILY LIMITED PARTNERSHIP LLC, is no longer of any force or effect.
- 3. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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. The proposed points of appropriation shall be constructed to produce water from a depth greater than 100 feet below land surface.
6. Water shall be acquired from the same predominantly basin fill sediment unit that overlies the predominantly volcanic rock and sediment unit as the original points of appropriation.
7. All other terms and conditions of Permit G-18112 remain the same.

Dated at Salem, Oregon this OCT 10 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: OCT 11 2018