

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

In the Matter of Permit Amendment                    )    FINAL ORDER  
T-12911, Klamath County                                )    APPROVING A CHANGE IN 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**

MICHAEL HORTON  
PO BOX 530  
BONANZA, OR 97623

**Findings of Fact**

1. On April 23, 2018, MICHAEL HORTON filed an application to change the point of appropriation under Permit G-17859. The Department assigned the application number T-12911.
2. On May 6, 2016, the Department approved an extension of time for complete application of water to October 1, 2021.
3. On October 9, 2017, the Department approved partial assignment of water right permit and issuance of replacement water right permits. Permit G-17859 was issued in the name of Michael Horton.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 1, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. On June 3, 2019, 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 deficiency be resolved by July 2, 2019. The Land Use Information Form that was submitted with the application, did not identify the location of the proposed point of appropriation, being tax lot 2800.
6. On June 13, 2019, the applicant's agent submitted a Land Use Information Form identifying the location of the proposed point of appropriation, being tax lot 2800.

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-12911 proposes to move the authorized point of appropriation approximately 691 feet Northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	13	NW SE	WELL #1 – 3352.70 FEET SOUTH AND 655.75 FEET EAST FROM THE N1/4 CORNER OF SECTION 13

**Permit Amendment Review Criteria**

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

**Conclusions of Law**

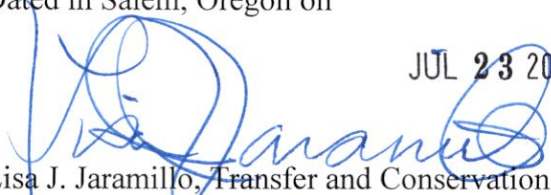
The change in point of appropriation proposed by Permit Amendment Application T-12911 is consistent with the requirements of ORS 537.211.

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

- 1. The change in point of appropriation proposed by Permit Amendment Application T-12911 is approved.
- 2. Permit G-18246, in the name of Michael Horton, is issued to replace Permit G-17859, and incorporates the amendments approved by this order and the extension of time. Permit G-17859, in the name of MICHAEL L. HORTON, is no longer of any force or effect.
- 3. The quantity of water diverted at the new point of appropriation (Well #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).
- 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 new point of appropriation.
  - 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-18246 remain the same.

Dated in Salem, Oregon on

  
JUL 23 2019

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

*Mailing Date:*

JUL 24 2019