

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

In the Matter of Permit Amendment) **FINAL ORDER**
T-11310, Klamath County) APPROVING A CHANGE IN 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 diversion and/or place of use authorized under an existing water right permit.

Applicant

LAKE OF THE WOODS RECREATION ASSOCIATION
122 S 5TH ST
KLAMATH FALLS, OR 97601

Findings of Fact

Background

1. On October 21, 2011, LAKE OF THE WOODS RECREATION ASSOCIATION filed an application to change the place of use under Permit S-54586. The Department assigned the application number T-11310.
2. The applicant submitted information that more accurately depicts the place of use under Permit S-54586 as follows:

HUMAN CONSUMPTION							
Twp	Rng	Mer	Sec	Q-Q	GLot	POD ID	LOT ID
37 S	5 E	WM	10	SE NE	3	G4	G4
37 S	5 E	WM	10	SE NE	3	G5	G5
37 S	5 E	WM	10	NW NW	1	S3	S3
37 S	5 E	WM	10	NW NW	1	Q8	Q8
37 S	5 E	WM	10	SW NW	2	Q7	Q7
37 S	5 E	WM	10	SW NW	2	Q3	Q3
37 S	5 E	WM	10	SW NW	2	Q2	Q2
37 S	5 E	WM	10	SW NW	2	Q1	Q1
37 S	5 E	WM	10	SW NW	2	P10	P10
37 S	5 E	WM	10	SW NW	2	P9	P9
37 S	5 E	WM	10	SW NW	2	P6	P6
37 S	5 E	WM	10	NW SW	4	P4	P4
37 S	5 E	WM	10	NW SW	4	O8	O8

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.

HUMAN CONSUMPTION							
Twp	Rng	Mer	Sec	Q-Q	GLot	POD ID	LOT ID
37 S	5 E	WM	10	NW SW	4	O3	O3
37 S	5 E	WM	10	SW SW	5	O1	O1
37 S	5 E	WM	10	SW SW	5	N7	N7
37 S	5 E	WM	10	SW SW	5	N3	N3
37 S	5 E	WM	11	SW NW	2	G4	G4
37 S	5 E	WM	11	SW NW	2	G5	G5
37 S	5 E	WM	11	NE SW		F25	F25
37 S	5 E	WM	11	NW SW		F25	F25
37 S	5 E	WM	11	NW SW	3	F10	F10
37 S	5 E	WM	11	NW SW	3	E22	E22
37 S	5 E	WM	11	SW SW	4	E14E20E21	E21
37 S	5 E	WM	11	SW SW	4	E14E20E21	E20
37 S	5 E	WM	11	SW SW	4	E19	E19
37 S	5 E	WM	11	SW SW	4	E14E20E21	E14
37 S	5 E	WM	11	SW SW	4	E16	E16
37 S	5 E	WM	11	SW SW	4	E17	E17
37 S	5 E	WM	14	NW NW	1	C11C12	C11
37 S	5 E	WM	14	NW NW	1	C11C12	C12
37 S	5 E	WM	14	NW NW	1	C5	C5
37 S	5 E	WM	14	NW NW	1	C4	C4
37 S	5 E	WM	14	NW NW	1	C3	C3
37 S	5 E	WM	14	NW NW	1	V1V10	V10
37 S	5 E	WM	14	NW NW	1	V13	V13
37 S	5 E	WM	14	NW NW	1	V1V10	V1
37 S	5 E	WM	14	SW NW	2	B9	B9
37 S	5 E	WM	14	SW NW	2	T5	T5
37 S	5 E	WM	14	SW NW	2	T9	T9
37 S	5 E	WM	14	NW SW		T9	T9
37 S	5 E	WM	15	NW NW	1	M8	M8
37 S	5 E	WM	15	SW NW	2	L4	L4
37 S	5 E	WM	15	SW NW	2	L1	L1
37 S	5 E	WM	15	SW NW	2	K10	K10
37 S	5 E	WM	15	SW NW	2	K8	K8

*Note: Lots F25, G4, G5, and T9 overlap quarter-quarter sections and are listed twice on this table.

- The applicant has proposed to drop Lots B9, E22, F10, F25, and T9 from the permit.
- Permit Amendment Application T-11310 proposes to change the place of use of a portion of the permit to:

HUMAN CONSUMPTION							
Twp	Rng	Mer	Sec	Q-Q	GLot	POD ID	LOT ID
37 S	5 E	WM	14	NW NW	1	C11C12	C13
37 S	5 E	WM	15	SW NW	2	K8	K9

- Notice of the application for the permit amendment was published in the Department's weekly notice on November 1, 2011, pursuant to ORS 540.520(5). No comments were filed in response to the notice.

6. ORS 537.211(4)(e) states that a permit holder may change the point of appropriation if: "The holder of the permit provides written notice to the department at least 60 days before making any changes to the lands, point of diversion or point of appropriation described in the permit." The applicant provided the required notice to the department on October 21, 2011.

Permit Amendment Review Criteria

7. The change would not result in injury to other water rights.
8. The proposed place of use is controlled by the permit holder.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-11310 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. Pursuant to ORS 537.211(4)(e), the use of water under the permit at the proposed place of use shall not occur until after December 21, 2011.
2. The change in place of use proposed by Permit Amendment Application T-11310 is approved.
3. Water shall be acquired from the same surface water source as the original points of diversion.
4. All other terms and conditions of Permit S-54586 remain the same.
5. Permit S-54586, in the name of Lake of the Woods Recreation Association; U.S. Forest Service, is cancelled. Permit S-54738, in the names of Lake of the Woods Recreation Association; U.S. Forest Service is issued to supersede Permit S-54586, and incorporates the amendments approved by this order.

Dated at Salem, Oregon this 1 day of DECEMBER, 2011.



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

Mailing Date: DEC 07 2011