

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

In the Matter of Permit Amendment )  
T-12010, Klamath County )  
 )  
 )  
 )

FINAL ORDER 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.

**Applicants**

WOOD RIVER DISTRICT IMPROVEMENT CO.  
PO BOX 503  
FORT KLAMATH, OR 97626

ROGER NICHOLSON  
AGRI WATER LLC  
PO BOX 458  
FORT KLAMATH, OR 97626

**Findings of Fact**

1. On March 16, 2015, WOOD RIVER DISTRICT IMPROVEMENT CO. and ROGER NICHOLSON, AGRI WATER LLC. filed an application to change the point of appropriation under Permit G-16886. The Department assigned the application number T-12010.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on March 24, 2015, and in the Klamath Falls Herald and News newspaper on September 14 and 21, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. Permit Amendment Application T-12010 proposes to move the authorized point of appropriation (Well 1A) approximately 1.1 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	7.5 E	WM	16	NW SW	2856 FEET SOUTH AND 122 FEET EAST FROM THE NW CORNER OF SECTION 16

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.

4. The Department's Ground Water Section estimates that the use of water from the proposed Well 1A will likely increase interference with Sevenmile Creek, Short Creek, and associated springs. Sevenmile Creek and Short Creek appear to get inflow from springs along the western margin of the valley. Using the proposed Well 1A location will likely increase the drawdown at the springs and decrease the discharge to Sevenmile and Short Creeks. Assuming that a pro-rated 4.81 cubic feet per second (cfs) of the 28.88 cfs total rate is shifted to the proposed Well 1A, the calculated increase in drawdown at the creeks and springs ranges from about 0.3 feet to 0.6 feet at the end of 30 days to 0.4 feet to 0.8 feet at the end of the irrigation season. The increased groundwater level drawdown at the springs and creeks is not large, but the resulting decrease in groundwater discharge to surface water could possibly be significant given observations at other Klamath Basin springs where the groundwater-surface water elevation difference at the spring is less than 5 feet and the spring discharge is notable.
5. There is insufficient water level data for the water sources listed in Finding No. 4 to determine if the calculated drawdown would injure other water rights from those sources.
6. Permit G-16886 is junior in priority date to surface water rights from the sources listed in Finding No. 4. The proposed Well 1A shall be subject to regulation if there is insufficient water in those sources to satisfy more senior water rights.

***Permit Amendment Review Criteria***

7. The change, as conditioned, would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

**Conclusions of Law**

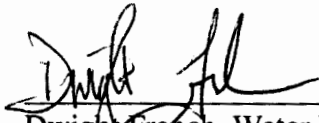
The change in point of appropriation proposed by Permit Amendment Application T-12010 is consistent with the requirements of ORS 537.211.

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

1. The change in point of appropriation proposed by Permit Amendment Application T-12010 is approved.
2. Permit G-17506, in the name of Wood River District Improvement Co. and Roger Nicholson, Agri Water LLC., is issued to replace Permit G-16886, and incorporates the amendment approved by this order. Permit G-16886, in the name of WOOD RIVER DISTRICT IMPROVEMENT CO. AND ROGER NICHOLSON, AGRI WATER LLC., is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point 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. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-17506 remain the same.

Dated at Salem, Oregon this 7 day of October, 2016.



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

*Mailing Date:* OCT 17 2016