

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-12473, Klamath County	)	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**

TRACEY LYON  
23444 HWY 50  
MERRILL, OR 97633

**Findings of Fact**

1. On September 6, 2016, Tracey Lyon filed an application to change the points of appropriation under Permit G-15110. The Department assigned the application number T-12473.
2. On April 15, 2011, the Department approved an extension of time for complete application of water to October 1, 2012.
3. On July 18, 2014, the Department approved an extension of time for complete application of water to October 1, 2025.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on September 20, 2016, and in the Herald and News newspaper on September 3 and 10, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. On May 18, 2017, the Department contacted the agent to let them know of deficiencies in the application. The location description of the Proposed Well 2 does not match the location indicated on the map.
6. On May 22, 2017, the agent for the applicant submitted revised application pages and map.

<p>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.</p>
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7. Permit Amendment Application T-12473 proposes to move the authorized points of appropriation approximately between 0.1 and 0.5 miles from the original points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	11 E	WM	11	NW SW	WELL 1 - 355 FEET SOUTH AND 100 FEET EAST FROM THE W1/4 CORNER OF SECTION 11
41 S	11 E	WM	11	NW SE	WELL 2 - 175 FEET SOUTH AND 2660 FEET EAST FROM THE W1/4 CORNER OF SECTION 11

***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 points of appropriation proposed by Permit Amendment Application T-12473 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-12473 is approved.
2. Permit G-17847, in the name of Tracey Lyon, is issued to replace Permit G-15110, and incorporates the extensions of time. Permit G-15110, in the name of Tracey Lyon, 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 diversion (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 points of appropriation.

6. All other terms and conditions of Permit G-17847 remain the same.

Dated at Salem, Oregon this 28 day of Sept, 2017.

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

Mailing Date: OCT 04 2017