

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12955, Klamath County)	APPROVING AN ADDITIONAL 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

CITY OF CHILOQUIN
122 S. 2ND STREET
CHILOQUIN, OR 97624

Findings of Fact

1. On June 20, 2018, the CITY OF CHILOQUIN filed an application for an additional point of appropriation under Permit G-11503. The Department assigned the application number T-12955.
2. On September 15, 2009, the Department approved an extension of time for complete application of water to October 1, 2049.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on June 26, 2018, and in the Klamath Falls Herald and News newspaper on November 20, and 27, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. Permit Amendment Application T-12955 proposes an additional point of appropriation approximately 1.0 mile from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original well location measured in miles (mi.)	
						WELL 1	WELL 2
34 S	7 E	WM	28	NE SW	2157 FEET NORTH AND 2802 FEET WEST FROM THE SE CORNER OF SECTION 28	1.8 mi.	1.3 mi.

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.

5. On October 22, 2018, the Department's Groundwater section determined the existing points of appropriation (POA) are producing from a mixed-volcanic aquifer system (sediments and flows). The proposed additional point of appropriation (APOA) is approximately 1 mile from the existing POAs and approximately 100 feet higher in elevation, but the same hydro-stratigraphic units extend beneath the location of the proposed APOA. The application proposes a 750 foot well with a 60 foot seal depth for the proposed APOA which would not be sufficient to isolate production to a single aquifer unit, namely the deeper volcanic flow units that, based on review of well logs near the proposed APOA, are found at depths of approximately 400 feet below land surface or greater.

Permit Amendment Review Criteria

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

Conclusions of Law

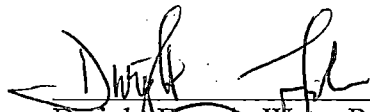
The additional point of appropriation proposed by Permit Amendment Application T-12955 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-12955 is approved.
2. Permit G-18132, in the name of City of Chiloquin, is issued to replace Permit G-11503, and incorporates the amendments approved by this order, and the Water Management and Conservation Plan. Permit G-11503, in the name of CITY OF CHILOQUIN, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old 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 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 points of appropriation.
6. The proposed APOA shall be constructed to produce solely from the deeper volcanic units, which would require continuous case and seal to approximately 400-500 feet below land surface.
7. All other terms and conditions of Permit G-18132 remain the same.

Dated at Salem, Oregon this JAN 08 2019.



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

Mailing Date: JAN 09 2019