

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

In the Matter of Permit Amendment)	FINAL ORDER
T-13184, 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

CITY OF MERRILL
PO BOX 487
MERRILL, OR 97633

Findings of Fact

1. On May 19, 2019, CITY OF MERRILL, filed an application to change the point of appropriation under Permit G-17983. The Department assigned the application number T-13184.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on May 28, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
3. Permit Amendment Application T-13184 proposes to move the authorized point of appropriation approximately 100 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	11	NE NE	WELL 3 - 209 FEET SOUTH AND 473 FEET WEST FROM THE NE CORNER OF SECTION 11

Permit Amendment Review Criteria

4. The change would not result in injury to other water rights.
5. The change does not enlarge the permit.
6. The change does not alter any other terms of the permit.

<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>

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-13184 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-13184 is approved.
2. Permit G-18339, in the name of CITY OF MERRILL, is issued to replace Permit G-17983, and incorporates the amendments approved by this order. Permit G-17983, in the name of CITY OF MERRILL, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation (WELL 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL 1).
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 meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is 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-18339 remain the same.

FEB 24 2020

Dated in Salem, Oregon on _____



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

Mailing Date: FEB 25 2020 _____