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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10082, Klamath County, Oregon	)	APPROVING A CHANGE IN POINT OF
	)	APPROPRIATION

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**

Jeff and Sandra Hunter 7552 E. Wethersfield Road Scottsdale, Arizona 85260

### **Findings of Fact**

- Jeff and Sandra Hunter, filed an application to amend the point of appropriation under Permit G-15235. The Department assigned the application number T-10082.
- The permit to be amended is as follows:

Permit:

G-15235, in the name of Jeff M. and Sandra S. Hunter

Use:

Irrigation

Priority Date: September 28, 2001

**Quantity:** 

2.24 cubic feet per second

Rate/Duty:

The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to ONE-

EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Acres:

179.1 acres

Source:

A well, in the Klamath Lake Basin.

Date Of Complete Application of

Water:

October 1, 2007

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.

# **Authorized Point of Appropriation:**

Township Rang		nge	Meridian	Sec	1/4	1/4	Location	
39	S	9	Е	W.M.	33	NE	NW	960 feet South from the N <sup>1</sup> / <sub>4</sub> Corner of Section 33.

#### **Authorized Place of Use:**

Town	nship	Rai	nge	Meridian	Sec	1/4 1/4		Acres
39	S	9	Е	W.M.	33	NW	NE	16.2
39	S	9	Е	W.M.	33	SW	NE	40.0
39	S	9	Е	W.M.	33	NE	NW	11.0
39	S	9	Е	W.M.	33	SW	NW	17.5
39	S	9	Е	W.M.	33	SE	NW	40.0
39	S	9	Е	W.M.	33	NE	SW	15.0
39	S	9	Е	W.M.	33	NW	SW	0.7
39	S	9	Е	W.M.	33	NW	SE	38.7

3. Application T-10082 proposes to change the point of appropriation of the permit to:

Tow	Township Range		Meridian	Sec	1/4 1/4		Location	
39	S	9	Е	W.M.	33	NE	NW	3400 feet South from the N <sup>1</sup> / <sub>4</sub> Corner of Section 33.

- 4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 5. The Ground Water Section has concluded that in order to prevent injury to other water rights, the proposed point of appropriation shall be constructed to obtain ground water from basalt and/or cinders below the basin fill sediments.
- 6. The change, as conditioned, would not result in injury to other water rights.
- 7. The change does not enlarge the permit.
- 8. 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-10082 is consistent with the requirements of ORS 537.211.

### Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

- 1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the maximum rate and duty allowed under Permit G-15235.
- 2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee 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.

- 3. The proposed point of appropriation shall be constructed to obtain ground water from basalt and/or cinders below the basin fill sediments.
- 4. All other terms and conditions of Permit G-15235 remain the same.
- 5. Permit G-15235, in the name of Jeff M. and Sandra S. Hunter, is amended as described herein.

Dated at Salem, Oregon this 22 day of august, 2006.

Phillip C. Ward,

Director

AUG 2 5 2006

Mailing Date: