BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-11999, 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

EDWIN J STASTNY JR 32121 HWY 50 **MALIN OR 97632**

Findings of Fact

- 1. On March 9, 2015, Edwin J, Stastny Jr., filed an application for an additional point of appropriation under Permit G-12464. The Department assigned the application number T-11999.
- 2. On July 15, 2016, the Department approved an extension of time for complete application of water to October 1, 2021.
- 3. Notice of the application for the permit amendment was published in the Department's weekly notice on March 17, 2015, and in the Klamath Falls Herald and News newspaper on September 18 and 25, 2016 pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 4. Permit Amendment Application T-11999 proposes an additional point of appropriation with approximate distance from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well
41 S	12 E	WM	12	SE SE	MICKA WELL - 1215 FEET NORTH AND 30 FEET WEST FROM THE SE CORNER OF SECTION 12	HOMESTEAD WELL – 0.8 mile

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. The groundwater review has determined that the proposed additional point of appropriation may cause an increase in interference drawdown with nearby wells, therefore a special condition on the additional point of appropriation will be included in this final order.

Permit Amendment Review Criteria

- 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 additional point of appropriation proposed by Permit Amendment Application T-11999 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-11999 is approved.
- 2. Permit G-17646, in the name of Edwin J, Stastny Jr.., is issued to replace Permit G-12464, and incorporates the amendments approved by this order and the extension of time. Permit G-12464, in the name of Edwin J Stastny Jr., 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 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. The additional point of appropriation well shall be constructed to obtain groundwater only from the predominantly basalt/volcanics unit below the predominately basin-fill unit by having continuous casing and continuous seal from land surface completely through the predominantly basin-fill unit into the predominantly basalt/volcanics unit.
- 6. Water shall be acquired from the same aquifer as the original point of appropriation.
- 7. All other terms and conditions of Permit G-17646 remain the same.

		-		- 1'	/		
Dated at Salem,	Oregon this		day of	N	over	De	,2016.

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

Mailing Date: NOV 1 2 2016