BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	
T-9380, Klamath County, Oregon)	FINAL ORDER
)	

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

Jerry A. Enman, 15343 Cheyne Road, Klamath Falls, Oregon 97603.

Findings of Fact

- Jerry A. Enman, filed an application to add additional points of appropriation to Permit G-15104. The Department assigned the application number T-9380.
- 2. The permit to be amended is as follows:

Permit:

G-15104, in the names of Jerry A. Enman and James E. Enman;

Use:

Irrigation: Priority Date: March 7, 2001;

Quantity:

7.0 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:

577.32 acres:

Source:

A well, in the Lost River Basin.

Date Of Complete Application of

Water:

October 1, 2006.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order other than a 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.

Authorized Point of Appropriation:

Tow	nship	Rai	nge	Meridian	Sec			DLC	Location
40	S	10	E	W.M.	20	SW SW			1275 feet North and 75 feet East from the SW Corner of Section 20.

Authorized Place of Use:

Town	nship	Rar	nge	Meridian	Sec	1/4 1/4		Lot	DLC	Acres
40	S	10	Е	W.M.	8	SW	SW			30.10
40	S	10	Е	W.M.	8	SE	SW			25.60
40	S	10	Е	W.M.	17	NE	NW			6.90
40	S	10	Е	W.M.	17	NW	NW			7.60
40	S	10	E	W.M.	17	NE	SW			19.00
40	S	10	E	W.M.	17	NW	SW			18.00
40	S	10	Е	W.M.	17	SW	SW			6.80
40	S	10	Е	W.M.	17	SE	SW			4.40
40	S	10	E	W.M.	17	NW	SE			2.90
40	S	10	Е	W.M.	20	NW	NE			38.00
40	S	10	Е	W.M.	20	SW	NE			40.00
40	S	10	Е	W.M.	20	NE	NW			38.00
40	S	10	Е	W.M.	20	NW	NW			28.00
40	S	10	Е	W.M.	20	SW	NW			13.00
40	S	10	Е	W.M.	20	SE	NW			35.50
40	S	10	Е	W.M.	20	NE	SW			33.00
40	S	10	Е	W.M.	20	NW	SW			37.00
40	S	10	Е	W.M.	20	SW	SW			39.00
40	S	10	Е	W.M.	20	SE	SW			38.92
40	S	10	Е	W.M.	20	NW	SE			37.50
40	S	10	Е	W.M.	29	NE	NW			39.00
40	S	10	Е	W.M.	29	NW	NW			39.10

3. Application T-9380 proposes additional points of appropriation located:

- -											
	Township		Range		Meridian Sec 1/4 1/4		Lot	DLC	Location		
	40	S	10	Е	W.M.	8	SE SW				1100 feet North and 2186 feet East from the SW Corner of Section 8.
	40	S	10	E	W.M.	17	NW	sw			2720 feet South and 700 feet East from the NW Corner of Section 17.

- 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 change would not result in injury to other water rights.
- 6. James E. Enman has given permission for the amendment through his attorney-in-fact, Jerry A. Enman.
- 7. The change does not enlarge the permit.
- 8. The change does not alter all other terms of the permit.

Conclusion of Law

The additional points of appropriation proposed by Permit Amendment Application T-9380 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 combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-15104.
- 2. The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- 3. Water shall be acquired from the same aquifer as the original point of appropriation.
- 4. All other terms and conditions of Permit G-15104 remain the same.
- 5. Permit G-15104, in the names of Jerry A. Enman and James E. Enman, is amended as described herein.

Dated at Salem, Oregon this 2nd day of June , 2004.

Phillip C. Ward Acting Director