BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	
T-9652, 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

John L. and Jani K. McPherson, 13555 Tingley Lane, Klamath Falls, Oregon, 97603.

Findings of Fact

- John L. and Jani K. McPherson, filed an application to amend the point of appropriation of Well 1 under Permit G-15267. The Department assigned the application number T-9652.
- The permit to be amended is as follows:

Permit:

G-15267, in the name of John L. and Jani K. McPherson;

Use:

Irrigation and Supplemental Irrigation;

Priority Date: January 25, 2002;

Quantity:

7.54 cubic feet per second (cfs), being no more than 4.46 cfs from each

well, further limited to 5.28 cfs for irrigation and 2.26 cfs for supplemental

irrigation;

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

Acres:

422.0 acres irrigation; 181.0 acres supplemental irrigation;

Source:

Three wells, in the Spring Lake Basin.

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.

Date Of
Complete
Application of

Water:

October 1, 2007.

Authorized Points of Appropriation:

Tow	nship	Rai	nge	Meridian	Sec	1/4	1/4 1/4		1/4 1/4		1/4 1/4		DLC	Location
40	S	9	Е	W.M.	5	NE	sw			Well 1 - 2844 feet South and 2376 feet East from the NW Corner of Section 5.				
40	s	9	Е	W.M.	8	NE	SE			Well 2 - 2573 feet North and 556 feet West from the SE Corner of Section 8.				
40	S	9	Е	W.M.	17	sw	NE			Well 3 - 2621 feet South and 1763 feet West from the NE Corner of Section 17.				

Authorized Place of Use:

Primary Irrigation

Town	nship	Rai	nge	Meridian	Sec	1/4	1/4 1/4		1/4 1/4		DLC	Acres
40	S	9	Е	W.M.	5	SW	NE			38.0		
40	S	9	Е	W.M.	5	SE	NE			26.0		
40	S	9	Έ	W.M.	5	SW	NW			40.0		
40	S	9	Е	W.M.	5	SE	NW			40.0		
40	S	9	Е	W.M.	5	NE	SW			41.0		
40	S	9	Е	W.M.	5	NW	SW			41.0		
40	S	9	Е	W.M.	5	NW	SE			41.0		
40	S	9	Е	W.M.	8	NE	SE			38.0		
40	S	9	Е	W.M.	9	NE	SW			39.5		
40	S	9	Е	W.M.	9	NW	SW			37.5		
40	S	9	Е	W.M.	9	NW	SE			40.0		

Supplemental Irrigation

Town	nship		nge	Meridian	Sec	1/4	1/4 1/4		DLC	Acres
40	S	9	Е	W.M.	8	SW	SW			22.0
40	S	9	Е	W.M.	17	NE	SW			19.0
40	S	9	Е	W.M.	17	NW	SW			40.0
40	S	9	Е	W.M.	17	SW	SW			40.0
40	S	9	Е	W.M.	17	SE	SW			40.0
40	S	9	Е	W.M.	17	NW	SE			1.0
40	S	9	Е	W.M.	17	SW	SE			19.0

3. Application T-9652 proposes to change the point of appropriation of Well 1 to:

Township		Range		Meridian	Sec	Sec 1/4 1/4		DLC	Location
40	S	9	Е	W.M.	5	NW NE			50 feet South and 1604 feet West from the NE Corner of Section 5.

- 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. The change does not enlarge the permit.
- 7. The change does not alter all other terms of the permit.

Conclusion of Law

The change in point of appropriation proposed by Permit Amendment Application T-9652 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 assigned to Well 1 under Permit G-15267.
- 2. A. 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.
 - B. 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. Water shall be acquired from the same aquifer as the original point of appropriation.
- 4. All other terms and conditions of Permit G-15267 remain the same.

Permit G-15267, in the name of John L. and Jani K. McPherson, is amended as described herein.

Dated at Salem, Oregon this 12th day of Juny, 2004.

Acting Director