

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING
T-10068, Harney County) A CHANGE IN POINT OF
) APPROPRIATION

Authority

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

JOSEPH R. BUERMAN
PO BOX 292
BURNS, OR 97720

Findings of Fact

Background

1. On January 13, 2006, Joseph R. Buerman, filed an application to amend the point of appropriation under Permit G-12760. The Department assigned the application number T-10068.
2. The permit to be amended is as follows:
Permit: G-12760 (Application G-14135), in the name of JOSEPH R. BUERMAN, *as assigned on November 19, 2002*
Use: IRRIGATION OF 502.4 ACRES
Priority Date: JULY 20, 1995
Quantity: 6.28 CUBIC FEET PER SECOND (CFS), BEING 3.14 CFS FROM EACH WELL
Rate/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 ACRE FEET for each acre irrigated during the irrigation season of each year
Source: TWO WELLS, in the Harney Lake Basin

Date of Completion of Construction

and Complete Application of Water: OCTOBER 1, 2010

This is a final order in 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 137-004-0080, you may 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:

| Twp | Rng | Mer | Sec | ¼ ¼ | Location |
|------|------|-----|-----|-------|--|
| 26 S | 30 E | WM | 16 | NW SW | Well #1 – 2464 feet North and 288 feet East from the SW corner of Section 16 |
| 26 S | 30 E | WM | 16 | NE SW | Well #2 – 2637 feet North and 2583 feet East from the SW corner of Section 16 |

Authorized Place of Use:

| Twp | Rng | Mer | Sec | ¼ ¼ | Tax Lot | Acres |
|---------------|------|-----|-----|-------|---------|--------------|
| 26 S | 30 E | WM | 16 | NE NE | 4900 | 31.4 |
| 26 S | 30 E | WM | 16 | NW NE | 4900 | 31.4 |
| 26 S | 30 E | WM | 16 | SW NE | 4900 | 31.4 |
| 26 S | 30 E | WM | 16 | SE NE | 4900 | 31.4 |
| 26 S | 30 E | WM | 16 | NE NW | 4900 | 31.4 |
| 26 S | 30 E | WM | 16 | NW NW | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | SW NW | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | SE NW | 4900 | 31.4 |
| 26 S | 30 E | WM | 16 | NE SW | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | NW SW | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | SW SW | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | SE SW | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | NE SE | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | NW SE | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | SW SE | 5000 | 31.4 |
| 26 S | 30 E | WM | 16 | SE SE | 5000 | 31.4 |
| TOTAL: | | | | | | 502.4 |

3. Application T-10068 proposes to change the point of appropriation for Well #2 of the permit to two wells located as follows:

| Twp | Rng | Mer | Sec | ¼ ¼ | Tax Lot | Location | Distance from Existing Well #2 |
|------|------|-----|-----|-------|---------|---|--------------------------------|
| 26 S | 30 E | WM | 10 | SW SW | 2300 | Well #3 – 1200 feet North and 500 feet East from the SW corner of Section 10 | 0.9 mile Northeast |
| 26 S | 30 E | WM | 16 | SE SE | 5000 | Well #4 – 130 feet North and 425 feet West from the SE corner of Section 16 | 0.6 mile Southeast |

4. Notice of the application for the permit amendment was published in the Department’s weekly notice on January 24, 2006, and in the *Burns Times Herald* newspaper on April 9, 16 and 23, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

5. The change would not result in injury to other water rights.
6. As long as the combined quantity of water appropriated from the two proposed wells does not exceed the quantity of water allowed from existing permitted Well #2, being 3.14 cfs, the change will not result in enlargement of the permit.
7. 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-10068 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

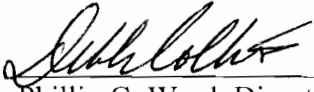
The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the two proposed points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #2), being 3.14 cubic feet per second.
2. Water shall be acquired from the same ground water source as the original point of appropriation (Well #2).
3. Prior to water use from the proposed points of appropriation, the permittee shall install meters or other suitable measuring devices as approved by the Director. The permittee shall maintain the meters or measuring devices 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 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.

4. All other terms and conditions of Permit G-12760 remain the same.
5. Permit G-12760, in the name of Joseph R. Buerman, is amended as described herein.

Dated at Salem, Oregon this 27th day of May, 2008.


Phillip C. Ward, Director

Mailing date: MAY 30 2008