

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12618, Baker County)	DENYING 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

DOUG AND ELSIE NEWMAN
14386 MUDDY CREEK LANE
HAINES, OR 97833

Findings of Fact

1. On March 23, 2017, DOUG AND ELSIE NEWMAN filed an application for an additional point of appropriation under Permit G-13738. The Department assigned the application number T-12618.
2. On October 4, 2013, the Department approved an extension of time for complete application of water to October 1, 2018.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on March 28, 2017, and in the Baker City Herald newspaper on September 12, and 19, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. On September 28, 2018, the Department submitted correspondence to the applicant. The Department notified the applicant that Permit G-13738 had a current date for complete application of water to beneficial use set for October 1, 2018. The Department requested the applicant submit an Application for Extension of Time, and gain approval in order for the Department to continue processing Permit Amendment application T-12618, no later than October 29, 2018. No response was received to the correspondence.

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. Permit Amendment Application T-12618 proposes an additional point of appropriation approximately 2835-5248 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original well location measured in feet (ft.)	
						WELL 1	WELL 2
7 S	38 E	WM	23	SE SW	1270 FEET NORTH AND 2580 FEET EAST FROM THE SE CORNER OF SECTION 22	5,248.0 ft.	2,835.6 ft.

Permit Amendment Review Criteria

6. The change 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.
9. The applicant is unable to complete application of the water to beneficial use under Permit G-13738.

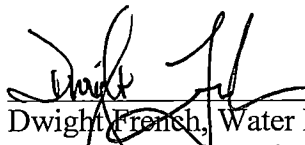
Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-12618 is not consistent with the requirements of ORS 537.211. The complete application of water date for Permit G-13738 ended October 1, 2018. The applicant has not submitted an Application for Extension of Time for Permit G-13738. Without a current date for complete application of water, the Department cannot approve T-12618.

Now, therefore, it is ORDERED:

1. Permit Amendment Application T-12618 is denied.

Dated at Salem, Oregon this NOV 27 2018



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

Mailing Date: NOV 28 2018