# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER
Γ-12346, Wasco County	)	APPROVING AN ADDITIONAL
	)	POINTS 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**

JOHN AND KAREN CARTER 3803 PLEASANT RIDGE RD THE DALLES, OR 97058

## **Findings of Fact**

- 1. On April 19, 2016, JOHN AND KAREN CARTER filed an application for an additional point of appropriation under Permit G-17459. The Department assigned the application number T-12346.
- 2. Notice of the application for the permit amendment was published in the Department's weekly notice on April 26, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 3. Permit Amendment Application T-12346 proposes an additional point of appropriation approximately 0.2 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	13 E	WM	27	NE NW	100 FEET SOUTH AND 1660 FEET WEST FROM THE SE CORNER OF THE SWSE OF SECTION 22

#### Permit Amendment Review Criteria

- 4. The change would not result in injury to other water rights.
- 5. The change does not enlarge the permit.
- 6. The change does not alter any other terms of the permit.

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.

#### **Conclusions of Law**

The additional point of appropriation proposed by Permit Amendment Application T-12346 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-12346 is approved.
- 2. Permit G-17619, in the name of John and Karen Carter, is issued to replace Permit G-17459, and incorporates the amendments approved by this order. Permit G-17459, in the name of John and Karen Carter, 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. Measurement devices, and recording/reporting of annual water use conditions:
  - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
- 5. Water shall be acquired from the same aquifer as the original point of appropriation.
- 6. All other terms and conditions of Permit G-17459 remain the same.

Dated at Salem, Oregon this \_\_\_\_\_ day of June, 2016.

Dwight French Water Right Services Administrator, for

Thomas M/Byler, Director

Oregon Water Resources Department

Mailing Date: JUN 1 6 2016