

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

In the Matter of Permit Amendment) FINAL ORDER
T-11455, Umatilla County) APPROVING AN ADDITIONAL POINT
) OF APPROPRIATION AND A
) CHANGE IN PLACE OF USE

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

MICHAEL ARTERBURN
PO BOX 1166
HERMISTON, OR 97838-3166

Findings of Fact

Background

1. On August 1, 2012, MICHAEL ARTERBURN filed an application for an additional point of appropriation and to change in place of use under Permit G-12472. The Department assigned the application number T-11455.
2. On August 13, 1999, the Department approved an extension of time for complete application of water to October 1, 2001.
3. On June 21, 2007, the Department approved an extension of time for complete application of water to October 1, 2011.
4. On June 15, 2012, the Department approved an extension of time for complete application of water to October 1, 2014.
5. Permit Amendment Application T-11455 proposes an additional point of appropriation approximately 2150 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	NE SE	WELL 2 - 30 FEET NORTH AND 30 FEET WEST FROM THE NE CORNER OF TAX LOT 100 (45.88627 NORTH, 119.28665 WEST)

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 137-004-080 and OAR 690-01-005 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.

6. Permit Amendment Application T-11455 also proposes to change the place of use of 1.53 acres within the NE¼ SE¼, Section 27. The place of use is located as follows:

INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
5 N	28 E	WM	27	NE SE
5 N	28 E	WM	27	NW SE
5 N	28 E	WM	27	SW SE
5 N	28 E	WM	27	SE SE

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	27	NE SE	30.0
5 N	28 E	WM	27	NW SE	10.4
5 N	28 E	WM	27	SW SE	2.7
5 N	28 E	WM	27	SE SE	5.7
Total					48.8

7. Notice of the application for the permit amendment was published in the Department's weekly notice on August 7, 2012, and in the East Oregonian newspaper on March 1 and 8, 2013, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
8. The Department's Groundwater Section has found that the proposed point of appropriation construction, as proposed in Table 3, Page 8 of the transfer application, would allow the development of water from both the alluvial aquifer and the underlying Columbia River Basalt Group. The authorized point of appropriation, UMAT 6328, develops water from two water bearing zones within the Columbia River Basalt Group.
9. For the proposed well to be approved for use under this transfer, the Department will require the following conditions:
- A. Groundwater production from the proposed well shall be limited to a single aquifer in the Columbia River Basalt Group.
 - B. The proposed well shall be continuously cased and continuously sealed to within 100 feet of the bottom of the open borehole. A larger open interval may be approved by the Department if the applicant can demonstrate to the Department's satisfaction, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent or that the open interval is part of a continuous zone of interconnected porous materials.
 - C. Following well completion, the proposed well shall be thoroughly developed to remove cuttings and drilling fluids.
 - D. A video log of the proposed well shall be collected to demonstrate to the satisfaction of the Department that the well is only open to a single aquifer in the Columbia River Basalt Group.

Permit Amendment Review Criteria

10. The changes, as conditioned, would not result in injury to other water rights.
11. The proposed place of use is owned and/or controlled by the permit holder.
12. The changes, as conditioned, do not enlarge the permit.
13. The changes do not alter any other terms of the permit.
14. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-11455 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-11455 are approved.
2. Permit G-17028, in the name of Michael Arterburn, is issued to replace Permit G-12472, and incorporates the amendments approved by this order and the extensions of time. Permit G-12472, in the name of Michael Arterburn, 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. 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.


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.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

5. Groundwater production from the proposed well shall be limited to a single aquifer in the Columbia River Basalt Group.

6. The proposed well shall be continuously cased and continuously sealed to within 100 feet of the bottom of the open borehole. A larger open interval may be approved by the Department if the applicant can demonstrate to the Department's satisfaction, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent or that the open interval is part of a continuous zone of interconnected porous materials.
7. Following well completion, the proposed well shall be thoroughly developed to remove cuttings and drilling fluids.
8. A video log of the proposed well shall be collected to demonstrate to the satisfaction of the Department that the well is only open to a single aquifer in the Columbia River Basalt Group.
9. The former place of use shall no longer be irrigated as part of this permit.
10. All other terms and conditions of Permit G-17028 remain the same.

Dated at Salem, Oregon this 19 day of March, 2013.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR
Mailing Date: MAR 29 2013