

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

In the Matter of Permit Amendment                     )  
T-10376, Harney County                                 )  
  )  
  )     **FINAL ORDER**  
  )     APPROVING 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**

Rattlesnake Creek Land and Cattle Co. LLC  
524 Highway 20 North  
Hines, Oregon 97738

**Findings of Fact**

1. On April 30, 2007, Rattlesnake Creek Land and Cattle Co., LLC, filed an application to change the point of appropriation of Well 2 under Permit G-16165. The Department assigned the application number T-10376.
  
2. The permit to be amended is as follows:
  - Permit:** G-16165, in the name of Rattlesnake Creek Land and Cattle Co., LLC;
  - Use:** Irrigation
  - Priority Date:** May 16, 2005
  - Quantity:** 4.92 cubic feet per second (cfs); being 3.79 cfs from Well 1 and 1.13 cfs from Well 2
  - 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 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.
  - Acres:** 393.6 acres
  - Source:** Wells 1 and 2, in the Harney Lake Basin.
  - Date of Complete Application of Water:** October 1, 2011

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.

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	30 E	WM	33	SW SE	Well 1 (HARN 51146) - 4133 feet South and 26 feet East from the N¼ Corner of Section 33
25 S	30 E	WM	34	SE SW	Well 2 (HARN 51233) - 1769 feet South and 121 feet West from the C¼ Corner of Section 34

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-lot	Acres
25 S	30 E	WM	33	SW NE		27.7
25 S	30 E	WM	33	SE NE		32.9
25 S	30 E	WM	33	NE SE		39.4
25 S	30 E	WM	33	NW SE		35.3
25 S	30 E	WM	33	SW SE		24.3
25 S	30 E	WM	33	SE SE		29.9
25 S	30 E	WM	34	NE NW		30.8
25 S	30 E	WM	34	NW NW		23.5
25 S	30 E	WM	34	SW NW		17.5
25 S	30 E	WM	34	SE NW		20.8
25 S	30 E	WM	34	NW SW		4.5
25 S	30 E	WM	34	SW SW		0.4
26 S	30 E	WM	3	NW NW	4	5.7
26 S	30 E	WM	4	NE NE	1	39.9
26 S	30 E	WM	4	NW NE	2	38.4
26 S	30 E	WM	4	SW NE		9.3
26 S	30 E	WM	4	SE NE		13.3

3. Application T-10376 proposes to change the point of appropriation of Well 2 under the permit to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	30 E	WM	34	NW NW	Well 3 (HARN 1096) - 700 feet South and 300 feet East from the NW Corner of Section 34

4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 8, 2007, and in the Burns Times Herald Newspaper on January 23, 30, and February 6, 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. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

**Conclusions of Law**

The change in point of appropriation for Well 2 proposed by Permit Amendment Application T-10376 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

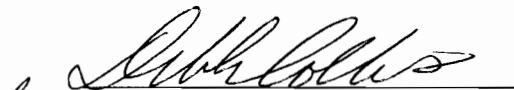
The change and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new point of appropriation (Well 3) shall not exceed the maximum rate and duty allowed for Well 2 under Permit G-16165.
2. 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.

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-16165 remain the same.
5. Permit G-16165, in the name of Rattlesnake Creek Land and Cattle Co., LLC, is amended as described herein.

Dated at Salem, Oregon this 12<sup>th</sup> day of February, 2008.

  
Phillip C. Ward,  
Director

Mailing Date: FEB 15 2008

