

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

In the Matter of Permit Amendment                                     )  
T-12327, Morrow County    )  
  )     **FINAL ORDER  
APPROVING 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**

WESTLAND ENTERPRISES LLC  
C/O ROBERT LEVY  
1000 HWY 395 S #423  
HERMISTON, OR 97838

**Findings of Fact**

1. On March 31, 2016, Westland Enterprises LLC, C/O Robert Levy, filed an application for an additional point of appropriation under Permit G-15859. The Department assigned the application number T-12327.
2. On November 28, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. Notice of the application for the permit amendment was published in the Department’s weekly notice on April 12, 2016, and in the Hermiston Herald newspaper on August 19<sup>th</sup> and 26<sup>th</sup>, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. Permit Amendment Application T-12327 proposes an additional point of appropriation approximate distances from the existing points of appropriation as follows:

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances  | Distance from Authorized Wells                               |
|-----|------|-----|-----|-------|---|--|
| 4 N | 26 E | WM  | 17  | SE SW | WELL 4 - 2440 FEET SOUTH AND 1180 FEET WEST FROM THE CENTER OF SECTION 17 | WELL 1 – 0.4 mile<br>WELL 2 – 0.2 mile<br>WELL 3 – 1.3 miles |

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.

**Permit Amendment Review Criteria**

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

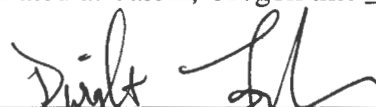
**Conclusions of Law**

The additional point of appropriation proposed by Permit Amendment Application T-12327 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-12327 is approved.
2. Permit G-17640, in the name of Westland Enterprises LLC, is issued to replace Permit G-15859, and incorporates the amendments approved by this order and the extension of time. Permit G-15859, in the name of WESTLAND ENTERPRISES LLC, 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 points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation, new and existing.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user 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.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-17640 remain the same.

Dated at Salem, Oregon this 17 day of October, 2016.

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

Mailing Date: OCT 21 2016