

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

In the Matter of Permit Amendment)
T-10919, Umatilla County)
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)
)

FINAL ORDER
APPROVING A CHANGE IN POINTS
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

KELTIC PRIDE DAIRY, LLC
ATTN RICHARD SMITH
P.O. BOX 1751
HERMISTON, OREGON 97838

Findings of Fact

Background

- 1. On June 29, 2009, Keltic Pride Dairy, LLC filed an application to change the points of appropriation under Permit G-14042. The Department assigned the application number T-10919.
- 2. On October 1, 2009, Farm Credit Services, FLCA, as co-holder of the permit gave permission to proceed with the permit amendment.
- 3. The permit to be amended is as follows:

- Permit:** G-14042 in the names of KELTIC PRIDE DAIRY, LLC AND FARM CREDIT SERVICES SOUTHWEST, FLCA
- Use:** IRRIGATION OF 595.0 ACRES OR AS LIMITED TO SUPPLEMENTAL IRRIGATION (The use of water under this permit will become supplemental to any permit issued under Application S-81070 for the same use, the same lands, the same period)
- Priority Date:** APRIL 27, 2000
- Quantity:** 7.44 CUBIC FEET PER SECOND

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.

Rate/Duty: The amount of water used for irrigation under this right, 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.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: FOUR WELLS, within the COLD SPRINGS RESERVOIR BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	30 E	WM	3	NW NW	WELL 1 - 150 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 3
4 N	30 E	WM	3	NE NE	WELL 2 - 150 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF SECTION 3
4 N	30 E	WM	3	SW NW	WELL 3 - 2500 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 3
4 N	30 E	WM	3	SE NE	WELL 4 - 2500 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	3	NE NE	28.0
4 N	30 E	WM	3	NW NE	28.5
4 N	30 E	WM	3	SW NE	40.0
4 N	30 E	WM	3	SE NE	40.0
4 N	30 E	WM	3	NE NW	29.0
4 N	30 E	WM	3	NW NW	29.5
4 N	30 E	WM	3	SW NW	40.0
4 N	30 E	WM	3	SE NW	40.0
4 N	30 E	WM	3	NE SW	40.0
4 N	30 E	WM	3	NW SW	40.0
4 N	30 E	WM	3	SW SW	40.0
4 N	30 E	WM	3	SE SW	40.0
4 N	30 E	WM	3	NE SE	40.0
4 N	30 E	WM	3	NW SE	40.0
4 N	30 E	WM	3	SW SE	40.0
4 N	30 E	WM	3	SE SE	40.0

4. Permit Amendment Application T-10919 proposes to move the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	30 E	WM	3	SW NW	WELL 1 - 1800 FEET SOUTH AND 150 FEET EAST FROM THE NW CORNER OF SECTION 3
4 N	30 E	WM	3	NE SE	WELL 2 - 2490 FEET SOUTH AND 110 FEET WEST FROM THE NE CORNER OF SECTION 3
4 N	30 E	WM	3	SE NW	WELL 3 - 2165 FEET SOUTH AND 1745 FEET EAST FROM THE NW CORNER OF SECTION 3

5. Notice of the application for the permit amendment was published in the Department's weekly notice on July 21, 2009, and in the Hermiston Herald newspaper on October 24, 31, and November 7, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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.

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-10919 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 combined quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) 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(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) 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 points of appropriation.
4. All other terms and conditions of Permit G-14042 remain the same.

5. Permit G-14042, in the names of Keltic Pride Dairy, LLC and Farm Credit Services Southwest, FLCA is amended as described herein.

Dated at Salem, Oregon this 17th day of November, 2009.



Phillip C. Ward, Director *PCW*

Mailing Date: DEC 11 2009