

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

In the Matter of Permit Amendment)	FINAL ORDER APPROVING A CHANGE IN
T-13868, Harney County)	POINT OF APPROPRIATION AND FOR
)	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

WILBER & SONS LLC
77 W ADAMS ST
BURNS, OR 97720

Findings of Fact

1. On November 19, 2021, WILBER & SONS LLC filed an application to change the point of appropriation and for additional points of appropriation under Permit G-16425. The Department assigned the application number T-13868.
2. On November 29, 2021, the Department approved an assignment of the permit from Wilbur Brothers to Wilbur and Sons LLC.
3. On August 9, 2019, the Department approved an extension of time for complete application of water to October 1, 2023.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on December 7, 2021, and in the Burns Times Herald newspaper on May 18 and 25, 2022, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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.

5. Permit Amendment Application T-13868 proposes additional points of appropriation and to move the authorized point of appropriation (WELL 1A) to:

Type of change	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well
POA	20 S	35 E	WM	25	NE NE	WELL #1 P - 390 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF SECTION 25	140 feet
APOA	20 S	36 E	WM	30	SE SW	WELL #3 - 1240 FEET NORTH AND 820 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 30	0.77 mile
APOA	20 S	36 E	WM	31	SW SE	WELL # 2 - 1310 FEET NORTH AND 270 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 31	1.75 mile

Permit Amendment Review Criteria

6. The changes would not result in injury to other water rights.
7. The changes do not enlarge the permit.
8. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-13868 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-13868 are approved.
2. Permit G-18795, in the name of Wilber & Sons, LLC, is issued to replace Permit G-16425, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-16425, in the name of Wilber Brothers, as assigned to Wilber & Sons, LLC, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation (WELL 1P), shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL 1A)
4. The combined quantity of water diverted at the proposed additional points of appropriation (Wells 2 and 3), together with that diverted at the old point of appropriation (Well 1 P), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1 A).

5. Water use measurement conditions:

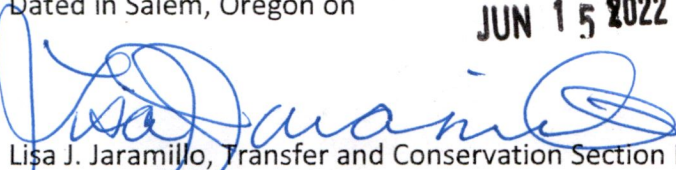
- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
- b. The water user shall maintain the meters or measuring devices in good working order.
- 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.

6. Water shall be acquired from the same aquifer as the original point of appropriation (Well 1 A).

7. All other terms and conditions of Permit G-18795 remain the same.

Dated in Salem, Oregon on

JUN 15 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

JUN 16 2022