

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

In the Matter of Permit Amendment) FINAL ORDER
T-12768, Linn County) APPROVING A CHANGE IN 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

GARY L. BURTON
GARY L. BURTON LIVING TRUST
4980 MATNEY RD
MONMOUTH, OR 97361

Findings of Fact

1. On November 2, 2017, GARY L. BURTON, GARY L. BURTON LIVING TRUST filed an application to change the point of appropriation under Permit G-17854. The Department assigned the application number T-12768.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on November 7, 2017, and in the Albany Democrat Herald newspaper on November 17, and 24, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. Permit Amendment Application T-12768 proposes to move the authorized point of appropriation approximately 0.5 mile from Well 3 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	3 W	WM	8	SE NW	WELL 4 - 1050 FEET NORTH AND 1470 FEET EAST FROM THE W1/4 CORNER OF SECTION 8

Permit Amendment Review Criteria

4. The change would not result in injury to other water rights.

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. The change does not enlarge the permit.
6. The change does not alter any other terms of the permit.

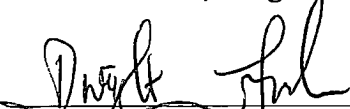
Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-12768 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed by Permit Amendment Application T-12768 is approved.
2. Permit G-18152, in the name of Gary L. Burton, Gary L. Burton Living Trust, is issued to replace Permit G-17854, and incorporates the amendments approved by this order. Permit G-17854, in the name of GARY L. BURTON; GARY L BURTON LIVING TRUST, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation (Well 4), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 3).
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 new 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.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-18152 remain the same.

Dated at Salem, Oregon, this JAN 08 2019.



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

Mailing Date: JAN 09 2019