BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-10469, Morrow County)	APPROVING AN ADDITIONAL 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

Andrea and Andy Fletcher 3364 Brampton Way Boise, Idaho 83706

Findings of Fact

Background

- On October 1, 2007, Andrea and Andy Fletcher filed an application for an additional point of appropriation under Permit G-15586. The Department assigned the application number T-10469.
- 2. The permit to be amended is as follows:

Permit: G-15586, in the names of Andrea and Andy Fletcher, Andre Meyer, and Lee

Padberg;

Use: Irrigation of 130.1 acres and irrigation use to make up deficiency in rate on

1323.8 acres

Priority Date: April 3, 2003

Quantity: Not to exceed 5.57 cubic feet per second (cfs), being 1.63 cfs for irrigation

on 130.1 acres, 3.92 cfs for irrigation to make up a deficiency in rate on 440.1 acres, 0.7 cfs for irrigation to make up a deficiency in rate on 62.6 acres, and 5.33 cfs for irrigation to make up a deficiency in rate on

821.1 acres,

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 and

3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: Well 1, in the Willow Creek Basin.

Date of Complete Application of Water: October 1, 2009

This is a final order in other than a 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, you may 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 Point of Appropriation:

Tow	nship	Range		Range Meridian Sec 1/4 1/4		Location		
1	S	25	Е	W.M.	35	NW	SE	Well 1 – 1810 feet North and 1680 feet West from the SE Corner of Section 35

Authorized Place of Use:

FLETCHER

	IRRI	GATIC	ON US	E TO MAK				N RATE
Town	nship	Rai	nge	Meridian	Sec	1/4	1/4	Acres
1	S	25	Е	W.M.	34	NE	NE	13.1

MEYER

	IRRIGATION											
Town	nship	Rai	nge	Meridian	Sec	1/4 1/4		Acres				
1	S	25	Е	W.M.	34	NE	NE	0.3				
1	S	25	Е	W.M.	34	SE	NE	1.4				
1	S	25	Е	W.M.	34	NE	NW	10.9				
1	S	25	Е	W.M.	34	NW	NW	21.9				
1	S	25	Е	W.M.	34	SW	NW	30.4				
1	S	25	Е	W.M.	34	SE	NW	16.8				
1	S	25	Е	W.M.	34	NE SE		0.3				
1	S	25	E	W.M.	34	NW SE		0.3				
1	S	25	Е	W.M.	34	sw	SE	0.1				
1	S	25	E.	W.M.	34	SE	SE	3.3				
1	S	25	Е	W.M.	35	NE	SW	0.7				
1	S	25	Е	W.M.	35	SW	SW	4.0				
1	S	25	E	W.M.	35	SE	SW	11.6				
2	S	25	Е	W.M.	2	2 NW NE		9.3				
2	S	25	Е	W.M.	2	NE NW		7.9				
2	S	25	Е	W.M.	2	SW	NW	7.8				
2	S	25	Е	W.M.	2	SE	NW	3.1				

	IRRIGATION USE TO MAKE UP DEFICIENCY IN RATE												
Town	nship	Range		Meridian	Sec	1/4 1/4		Acres					
1	S	25	Е	W.M.	34	NE	NE	13.0					
1	S	25	Е	W.M.	34	NW	NE	17.0					
1	S	25	Е	W.M.	34	SW NE	39.3						
1	S	25	Е	W.M.	34	SE	NE	38.6					
1	S	25	Е	W.M.	34	NE	SE	39.7					
1	S	25	E	W.M.	34	NW	SE	34.1					
1	S	25	E	W.M.	34	sw	SE	30.0					

	IRRIGATION USE TO MAKE UP DEFICIENCY IN RATE											
Town	nship	Rai	nge	Meridian	Sec	1/4	1/4	Acres				
1	S	25	Е	W.M.	34	SE	SE	36.7				
1	S	25	E	W.M.	35	SW	NE	3.2				
1	S	25	E	W.M.	35	NW	NW	2.1				
1	S	25	E	W.M.	35	SW	NW	37.9				
1	S	25	E	W.M.	35	SE	NW	23.3				
1	S	25	E	W.M.	35	NE	SW	39.3				
1	S	25	E	W.M.	35	NW	sw	40.0				
1	S	25	E	W.M.	35	SW	SW	36.0				
1	S	25	E	W.M.	35	SE	SW	28.4				
1	S	25	E	W.M.	35	NE	SE	9.5				
1	S	25	E	W.M.	35	NW	SE	33.7				
1	S	25	E	W.M.	35	SW	SE	40.0				
1	S	25	E	W.M.	35	SE	SE	31.3				
2	S	25	E	W.M.	2	NE	NE	17.6				
2	S	25	E	W.M.	2	NW	NE	30.7				
2	S	25	E	W.M.	2	sw	NE	36.8				
2	S	25	E	W.M.	2	SE	NE	9.4				
2	S	25	Е	W.M.	2	2 NE NW		32.1				
2	S	25	Е	W.M.	2	NW	NW	39.2				
2	S	25	E	W.M.	2	sw	NW	32.2				
2	S	25	E	W.M.	2	SE	NW	36.9				

PADBERG

	IRRIGATION USE TO MAKE UP DEFICIENCY IN RATE												
Tow	nship	Rai	nge	Meridian	Sec	1/4	1/4	Acres					
2	S	25	E	W.M.	3	NE	NW	38.1					
2	S	25	Е	W.M.	3	NW	NW	38.9					
2	S	25	Е	W.M.	3	sw	NW	40.0					
2	S	25	Е	W.M.	3	SE	NW	39.2					
2	S	25	Е	W.M.	3	NE	sw	39.2					
2	S	25	Е	W.M.	3	3 NW SW		40.0					
2	S	25	E	W.M.	3	3 SW SW		38.1					
2	S	25	Е	W.M.	3	SE	SW	39.2					
2	S	25	Е	W.M.	4	NE	NE	36.1					
2	S	25	Е	W.M.	4	SE	NE	36.1					
2	S	25	Е	W.M.	4	NE	SE	34.1					
2	S	25	Е	W.M.	4	NW	SE	4.4					
2	S	25	Е	W.M.	4	4 SE		16.7					
2	S	25	Е	W.M.	10 NE NW		34.6						

	IRRIGATION USE TO MAKE UP DEFICIENCY IN RATE											
Tow	nship	Range		Meridian	Sec		1/4	Acres				
2	S	25	Е	W.M.	10	NW	NW	23.8				
2	S	25	E	W.M.	10	SE	NW	4.2				

3. Application T-10469 proposes an additional point of appropriation located:

Town	ship	Ra	nge	Meridian	Sec	1/4	1/4	Location
1	S	25	Е	W.M.	34	NE	NE	Fletcher Well – 470 feet South and 310 feet West from the NE Corner of Section 34

- 4. Notice of the application for the permit amendment was published in the Department's weekly notice on October 23, 2007, and in the Heppner-Gazette Times newspaper on February 6, 13 and 20, 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 additional point of appropriation proposed by Permit Amendment Application T-10469 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 point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 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 ground water source as the original point of appropriation.
- 4. All other terms and conditions of Permit G-15586 remain the same.
- 5. Permit G-15886, in the names of Andrea and Andy Fletcher, Andre Meyer, and Lee Padberg, is amended as described herein.

Dated at Salem, Oregon this ______day of ______, 2008.

Phillip C. Ward, Director

Mailing Date: MAR 1 3 2008