

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

In the Matter of Permit Amendment) FINAL ORDER
T-11359, Wallowa 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

CITY OF WALLOWA
PO BOX 487
WALLOWA, OR 97885

Findings of Fact

Background

1. On February 21, 2012, CITY OF WALLOWA filed an application for an additional point of appropriation under Permit G-10569. The Department assigned the application number T-11359.
2. On March 8, 1989, the Department approved an extension of time for complete application of water to October 1, 1993.
3. On February 2, 1995, the Department approved an extension of time for complete application of water to October 1, 1998.
4. On September 1, 2006, the Department approved an extension of time for complete application of water to October 1, 2033.
5. On September 24, 2010, the Department approved a Water Management and Conservation Plan submitted by the City of Wallowa. The approval order was entered at Volume 81, Page 977.

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.

6. Permit Amendment Application T-11359 proposes an additional point of appropriation approximately 925 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	42 E	WM	14	NE NW	WELL 2 - 645 FEET SOUTH AND 2020 FEET EAST FROM THE NW CORNER OF SECTION 14

7. Notice of the application for the permit amendment was published in the Department's weekly notice on February 28, 2012 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
8. ORS 537.211(4)(e) states that a permit holder may change the point of appropriation if: "The holder of the permit provides written notice to the department at least 60 days before making any changes to the lands, point of diversion or point of appropriation described in the permit." The applicant provided the required notice to the department on February 21, 2012.

Permit Amendment Review Criteria

9. The change would not result in injury to other water rights.
10. The change does not enlarge the permit.
11. 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-11359 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- Pursuant to ORS 537.211(4)(e), the use of water under the permit from the proposed point of diversion shall not occur until after April 21, 2012.
- The additional point of appropriation proposed by Permit Amendment Application T-11359 is approved.
- Permit G-16912, in the name of CITY OF WALLOWA, is issued to replace Permit G-10569, and incorporates the amendments approved by this order, the extensions of time, and the Water Management and Conservation Plan. Permit G-10569, in the name of CITY OF WALLOWA, is no longer of any force or effect.
- 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.
- The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of groundwater withdrawn.

6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. All other terms and conditions of Permit G-16912 remain the same.

Dated at Salem, Oregon this 17th day of April, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 19 2012