

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

In the Matter of Permit Amendment            )    **FINAL ORDER**  
T-12326, Umatilla County                    )    **APPROVING AN ADDITIONAL 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**

TAMI AND BRAD FOSTER  
79982 HOPE LN  
HERMISTON, OR 97838

**Findings of Fact**

1. On March 31, 2016, Tami and Brad Foster filed an application for an additional point of appropriation under Permit G-17357. The Department assigned the application number T-12326.
2. On July 9, 2013, the Department approved an assignment of the permit to Mike Kelley and Timothy Jack Kelley.
3. On July 10, 2013, the Department approved an assignment of the permit to Mike Kelley, Timothy Jack Kelley, and Attila Koppany.
4. On August 30, 2013, the Department approved an assignment of the permit to Mike Kelley, Attila Koppany, and Tami J. Foster.
5. On December 16, 2014 the Department issued a cancellation order cancelling 4.1 acres owned by Attila Koppany.
6. On March 5, 2015 the Department approved an assignment of the permit to Arthur E. Revocable Trust, Irene Kelley Family Trust and Tami J. Foster.
7. On July 22, 2015 the Department approved an assignment of the permit to Tami J. Foster and John and Ronna Lindstrom.

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.

8. On October 14, 2016 the Department approved an extension of time for complete application of water to October 1, 2021.
9. Permit Amendment Application T-12326 proposes an additional point of appropriation approximate distance from the existing point of appropriation identified as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
4 N	29 E	WM	6	NW SW	UMAT 57236 - LATITUDE 45.85388548, LONGITUDE -119.24622380	UMAT 6141 – 318.6 feet

**Permit Amendment Review Criteria**

10. The change would not result in injury to other water rights.
11. The change does not enlarge the permit.
12. The change does not alter any other terms of the permit

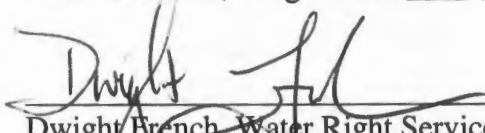
**Conclusions of Law**

The additional point of appropriation proposed by Permit Amendment Application T-12326 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

1. The additional point of appropriation proposed by Permit Amendment Application T-12326 is approved.
2. Permit G-17689, in the name of Tami J. Foster, and John and Ronna Lindstrom, is issued to replace Permit G-17357, and incorporates the amendments approved by this order, the extension of time and the assignments. Permit G-17357, in the name of Mike Kelley and Tami J. Foster is no longer of any force or effect.
3. 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 points of appropriation.
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. All other terms and conditions of Permit G-17689 remain the same.

Dated at Salem, Oregon this 25 day of October, 2016.

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

Mailing Date: NOV 03 2016