

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

In the Matter of Permit Amendment)
T-13666, Wasco County)
)
)
)

FINAL ORDER
APPROVING A CHANGE IN POINT OF
APPROPRIATION AND A CHANGE IN
PLACE OF USE

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.

Applicants

DOUGLAS JOHN LEE
13340 GOODALL RD
LAKE OSWEGO, OR 97034-1562

BARTHOLOMEW FAMILY TRUST
1600 CARROLL ROAD
MOSIER, OR 97040

Findings of Fact

1. On April 7, 2021, DOUGLAS JOHN LEE filed an application for a change the points of appropriation and a change in place of use under Permit G-12723. The Department assigned the application number T-13666.
2. On September 29, 2004, the Department approved an extension of time for complete application of water to October 1, 2005.
3. On February 18, 2011, the Department approved an extension of time for complete application of water to October 1, 2014.
4. On April 23, 2011, the Department approved an assignment of the permit from Eric and Laurie Holmes to Shawn and Britta Bavaresco DBA Bavaresco Family Farm, LLC.
5. On May 29, 2019, the Department approved an assignment of the permit to Douglas John Lee.
6. On May 31, 2019, the Department approve a partial assignment of the permit from Bavaresco Family Farm to Douglas John Lee.

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.

7. On April 9, 2021, the Department approved a partial assignment of the permit to Bartholomew Family Trust.
8. On March 26, 2021, the Department approved an extension of time for complete construction and application of water to October 1, 2025, this application was approved through a settlement agreement.
9. Notice of the application for the permit amendment was published in the Department's weekly notice on April 20, 2021, and in the Dalles Chronicle newspaper on November 16, and 23, 2022, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
10. Permit Amendment Application T-13666 proposes to move the authorized point of appropriation with approximate distances in feet/mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance in feet/mile from the existing point of appropriation
2 N	12 E	WM	18	NE SE	POA 2 - 440 FEET SOUTH AND 940 FEET WEST FROM THE E1/4 CORNER OF SECTION 18	30.0 feet
2 N	12 E	WM	18	SE NW	POA 3 - 1241 FEET NORTH AND 2856 FEET WEST FROM THE E1/4 CORNER OF SECTION 18	0.48 mile

11. Permit Amendment Application T-13666 also proposed to change the place of use of the permit to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Point of Appropriation (POA)
2 N	12 E	WM	18	NW NE	0.6	POA 3
2 N	12 E	WM	18	SW NE	0.5	POA 2
2 N	12 E	WM	18	SW NE	6.9	POA 3
2 N	12 E	WM	18	NE NW	0.3	POA 3
2 N	12 E	WM	18	SE NW	0.6	POA 3
2 N	12 E	WM	18	NE SE	19.0	POA 2
Total					27.9	

Permit Amendment Review Criteria

12. The changes would not result in injury to other water rights.
13. The proposed place of use is owned and/or controlled by the permit holders.
14. The changes do not enlarge the permit.
15. The changes do not alter any other terms of the permit.

16. The proposed place of use is contiguous to the authorized place of use.

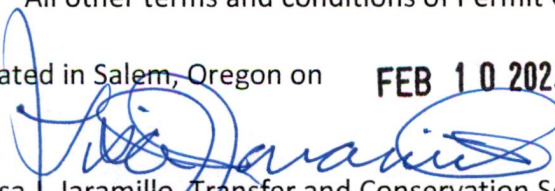
Conclusions of Law

The change in point of appropriation and change in place of use proposed by Permit Amendment Application T-13666 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

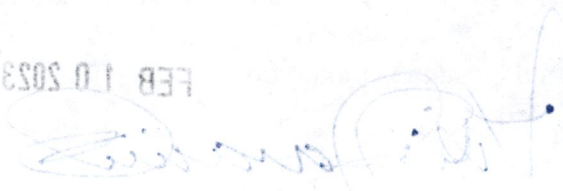
1. The change in point of appropriation and change in place of use proposed by Permit Amendment Application T-13666 are approved.
2. Permit G-18815, in the names of Douglas John Lee and Bartholomew Family Trust, is issued to replace Permit G-12723, and incorporates the amendments approved by this order, the extensions of time, and the assignments. Permit G-12723, in the name of J Scott Harris and assigned to DOUGLAS JOHN LEE and BARTHOLOMEW FAMILY TRUST, is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation (POA 2 and POA 3), shall not exceed the quantity of water lawfully available at the original point of appropriation.
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 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. The former place of use shall no longer be irrigated as part of this permit.
7. All other terms and conditions of Permit G-12723 remain the same.

Dated in Salem, Oregon on **FEB 10 2023**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **FEB 13 2023**

FEB 10 2023

A handwritten signature in blue ink, appearing to be "Michael J. Smith", written over the date stamp.

FEB 13 2023