

IN THE MATTER OF AMENDING)
 PERMIT NUMBER G-11597 ISSUED) ORDER
 TO H. RICHARD BRYANT)
 _____)

On May 25, 1977, H. Richard Bryant filed Application G-8161 requesting a permit to use 0.79 cubic feet per second (cfs) of ground water for supplemental irrigation of 63.6 acres.

At the time of filing Application G-8161, the applicant believed he held a storage right with an associated secondary right for irrigation of the 63.6 acres. Upon examination it was discovered that there was no storage right and no secondary irrigation right. As a result, it appeared the applicant had filed a ground water supplemental right on land for which he had no primary right.

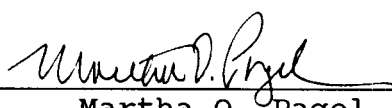
Application G-8161 was held until the applicant could secure a storage right and secondary irrigation right to serve as a primary right to underlay the G-8161 supplemental right. The applicant filed applications for storage and secondary irrigation on May 21, 1990. Once the storage right and the secondary irrigation right (primary irrigation) were in place, a permit was issued for use of the ground water under Application G-8161. Permit G-11597 was issued on December 4, 1992, for supplemental irrigation, and set out a priority date of May 21, 1990.

The applicant has submitted additional documentation demonstrating that 12.0 acres of the 63.6 acres did in fact have an underlying primary water right on May 25, 1977, the date when Application G-8161 was filed. This primary irrigation right is evidenced by Certificate of Water Right Number 23977, issued on May 20, 1958. The priority date of Certificate Number 23977 is October 15, 1941. Certificate Number 23977 was valid and fully effective when Application G-8161 was filed. Therefore, the priority date of May 21, 1990, for supplemental irrigation of the 12.0 acres is incorrect. The priority date for supplemental irrigation of the 12.0 acres should be May 25, 1977.

NOW, THEREFORE, it is hereby ORDERED that Permit G-¹¹⁵⁹⁷~~8161~~ ^{MOP} IS AMENDED AS FOLLOWS:

The date of priority is May 25, 1977, for 0.15 cfs for supplemental irrigation of 6.4 acres in the NE 1/4 SW 1/4 and 5.6 acres in the NW 1/4 SE 1/4 of Section 5, Township 4 South, Range 2 West, W.M.

Dated at Salem, Oregon, this 2nd day of December, 1993.



 Martha O. Pagel
 Director
 Water Resources Department