

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

In the Matter of Permit Amendment)
T-11220, Umatilla County)
)
) **FINAL ORDER**
) APPROVING AN ADDITIONAL POINT
) OF APPROPRIATION AND A
) CHANGE IN PLACE OF USE

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.

Applicants

FLOYD AND EUDORA WILSON
PO BOX 878
PILOT ROCK, OR 97868

Findings of Fact

Background

1. On March 31, 2011, FLOYD AND EUDORA WILSON filed an application for an additional point of appropriation and to change in place of use under Permit G-12413. The Department assigned the application number T-11220.

2. The permit to be amended is as follows:

Permit: G-12413 in the names of FLOYD L. AND EUDORA L. WILSON
Use: IRRIGATION OF 293.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 6.6 ACRES
Priority Date: AUGUST 29, 1994
Quantity: 3.75 CUBIC FEET PER SECOND
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 (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: WELL 1 within the BIRCH CREEK BASIN

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.

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	32 E	WM	28	SW NW	WELL 1 - 595 FEET NORTH AND 330 FEET EAST FROM THE W¼ CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	28	NW NW	3.20
1 S	32 E	WM	28	SW NW	5.40
1 S	32 E	WM	28	NW SW	18.40
1 S	32 E	WM	28	SW SW	22.30
1 S	32 E	WM	29	NE NE	39.60
1 S	32 E	WM	29	NW NE	19.10
1 S	32 E	WM	29	SW NE	33.10
1 S	32 E	WM	29	SE NE	27.90
1 S	32 E	WM	29	NE NW	4.40
1 S	32 E	WM	29	SE NW	31.50
1 S	32 E	WM	29	NE SW	30.80
1 S	32 E	WM	29	NE SE	12.30
1 S	32 E	WM	29	NW SE	21.70
1 S	32 E	WM	29	SE SE	23.70

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	28	SW NW	4.70
1 S	32 E	WM	28	NW SW	1.10
1 S	32 E	WM	29	SE NE	0.20
1 S	32 E	WM	29	NE SE	0.60

3. Permit Amendment Application T-11220 proposes an additional point of appropriation approximately 100 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	32 E	WM	28	SW NW	WELL A - LAT 45.45605°, LONG -118.83264°

4. Permit Amendment Application T-11220 also proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	28	NW NW	7.10
1 S	32 E	WM	28	SW NW	5.40
1 S	32 E	WM	28	NW SW	18.40
1 S	32 E	WM	28	SW SW	22.30
1 S	32 E	WM	29	NE NE	39.21
1 S	32 E	WM	29	NW NE	15.37
1 S	32 E	WM	29	SW NE	24.84
1 S	32 E	WM	29	SE NE	27.90
1 S	32 E	WM	29	NE NW	11.83
1 S	32 E	WM	29	NW NW	1.10
1 S	32 E	WM	29	SW NW	16.08

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	29	SE NW	38.07
1 S	32 E	WM	29	NE SW	17.59
1 S	32 E	WM	29	NE SE	12.30
1 S	32 E	WM	29	NW SE	12.94
1 S	32 E	WM	29	SE SE	22.97

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	28	SW NW	4.70
1 S	32 E	WM	28	NW SW	1.10
1 S	32 E	WM	29	SE NE	0.20
1 S	32 E	WM	29	NE SE	0.60

The changed place of use is in bold type.

5. Notice of the application for the permit amendment was published in the Department's weekly notice on April 5, 2011 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
6. On May 17, 2011, a letter was sent to the applicants describing deficiencies in the permit amendment application map.
7. On June 2, 2011, an amended map was received from the applicants.

Permit Amendment Review Criteria

8. The changes would not result in injury to other water rights.
9. The proposed place of use is owned and/or controlled by the permit holder.
10. The changes do not enlarge the permit.
11. The changes do not alter any other terms of the permit.
12. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-11220 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

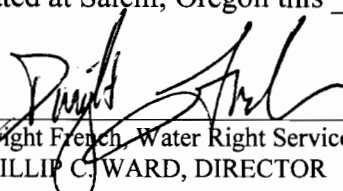
The changes and subsequent use of water shall be subject to the following conditions:

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 aquifer as the original point of appropriation.
4. The former place of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-12413 remain the same.
6. Permit G-12413, in the names of FLOYD L AND EUDORA L. WILSON, is amended as described herein.

Dated at Salem, Oregon this 3 day of June, 2011.


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

Mailing Date: JUN 07 2011