

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

In the Matter of Permit Amendment) **FINAL ORDER**
T-12285, Wallowa 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

WALLOWA COUNTY HEALTH CARE DISTRICT
ATTN: DANIEL MC CARTHY
601 MEDICAL PARKWAY
ENTERPRISE, OR 97828

Findings of Fact

1. On February 29, 2016, Wallowa County Health Care District, Daniel McCarthy filed an application for an additional point of appropriation under Permit G-16442. The Department assigned the application number T-12285.
2. On December 5, 2014, the Department approved an extension of time for complete application of water to October 1, 2018.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on March 8, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. Permit Amendment Application T-12285 proposes an additional point of appropriation approximate distances from the existing points of appropriation identified as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances | Distance from Authorized Wells |
|-----|------|-----|-----|-------|--|--|
| 1 S | 44 E | WM | 35 | NE SW | WELL 4 - 376 FEET SOUTH AND 510 FEET WEST FROM THE C1/4 CORNER OF SECTION 35 | WELL 1 - 21 FEET WELL 2 - 743 FEET WELL 3 - 331 FEET |

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.

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. 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-12285 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-12285 is approved.
2. Permit G-17639, in the name of Wallowa County Health Care District, is issued to replace Permit G-16442, and incorporates the amendments approved by this order and the extension of time. Permit G-16442, in the name of County of Wallowa; Health Care District, 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 points of appropriation, shall not exceed the quantity of water lawfully available at the original points 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 the new point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user 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.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-17639 remain the same.

Dated at Salem, Oregon this 18 day of July, 2016.



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

Mailing Date: JUL 21 2016