BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-10222, Baker County)	APPROVING AN ADDITIONAL POINT
)	OF APPROPRIATION

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

Wesley A. Kerns 15735 Hunt Mountain Lane Baker City, Oregon 97814

Findings of Fact

- 1. On August 11, 2006, Wesley A. Kerns filed an application for an additional point of appropriation under Permit G-15277. The Department assigned the application number T-10222.
- The permit to be amended is as follows:

Permit:

G-15277, in the name of Wesley A. Kerns;

Use:

Irrigation

Priority Date: January 22, 2001

Quantity:

1.95 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.

Acres:

156.4 acres

Source:

Two wells and a sump, in the Pine Creek Basin.

Date Of Complete Application of

Water:

October 1, 2007

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 Points of Appropriation:

Tow	nship	Rai	nge	Meridian	Sec	1/4 1/4		1/4 1/4		Location
8	S	39	Е	W.M.	20	SE	NW	Well 1 – 480 feet North and 70 feet West from the C¼ Corner of Section 20.		
8	S	39	Е	W.M.	20	sw	NW	Well 2 – 90 feet North and 120 feet East from the W¼ Corner of Section 20.		
8	S	39	Е	W.M.	20	SE	NW	Sump – 1170 feet North and 250 feet West from the C¼ Corner of Section 20.		

Authorized Place of Use:

1	nship		nge	Meridian	Sec	1/4 1/4		Acres
8	S	39	Е	W.M.	20	NE	NW	38.0
8	S	39	Е	W.M.	20	NW	NW	40.0
8	S	39	Е	W.M.	20	SW	NW	40.0
8	S	39	E	W.M.	20	SE	NW	40.0

3. Application T-10222 proposes an additional point of appropriation located:

Township		Range		Range Meridian Sec 1/4 1/4		1/4	Location	
8	S	39	Е	W.M.	19	NE	SE	Sump – 680 feet South and 770 feet West from the E¼ Corner of Section 19.

- 4. Notice of the application for the permit amendment was published in the Department's weekly notice on August 22, 2006, and in The Record-Courier newspaper on September 21, and 28, and October 5, 2006, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 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-10222 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change 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 (sump), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-15277.
- 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 points of appropriation.
- 4. All other terms and conditions of Permit G-15277 remain the same.
- 5. Permit G-15277, in the name of Wesley A. Kerns, is amended as described herein.

Dated at Salem, Oregon this 31 day of Octobe, 2006.

Phillip C. Ward,

Director

Mailing Date: _____ NOV 0 6 2006

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