

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

In the Matter of Permit Amendment            )     FINAL ORDER APPROVING  
T-12749, Harney County                        )     ADDITIONAL POINTS OF  
  )     APPROPRIATION AND CHANGES IN  
  )     POINTS 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**

STEVE RICKMAN  
69705 OLD EXPERIMENT RD  
BURNS, OR 97720

**Findings of Fact**

1. On September 18, 2017, Steve Rickman filed an application for additional points of appropriation and to change the points of appropriation under Permits G-17038 and G-17355. The Department assigned the application number T-12749.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on September 26, 2017, and in the Burns-Times Herald on July 24 and 31, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. On April 26, 2012, Steve Rickman filed an application to change the points of appropriation and for an additional point of appropriation under Permit G-16654. The Department assigned the application number T-11411.
4. On February 26, 2013, the Department approved Permit Amendment T-11411, entered at Special Order Volume 89, page 62. Additionally, Permit G-16654 was superseded by Permit G-16918.
5. On April 16, 2013, the Department issued a correcting order recorded at Special Order Volume 89, page 480. The order corrects scrivener's errors in the well location descriptions. Additionally, Permit G-17038 was issued to supersede Permit G-16918.
6. On April 10, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The Department requested that the deficiencies be resolved by May 13, 2019.

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 17, 2019, the applicant's agent submitted revised Table 1 and map, resolving the deficiencies.
8. On May 21, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of other deficiencies in the application.
9. On May 22, 2019, the applicant's agent submitted revised Table 2 and map, resolving the deficiencies.
10. Permit Amendment Application T-12749 proposes to move the authorized point of appropriation (POA) under Permit G-17038 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from original POA in miles (mi.)		
						Well 1	Well 2	Well 3
23 S	31 E	WM	24	NE NE	WELL 2 - 1120 FEET SOUTH AND 420 FEET WEST FROM THE NE CORNER OF SECTION 24	0.3 mi.	0.1 mi.	0.3 mi.
23 S	31 E	WM	24	SE NE	WELL 3 - 1800 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 24	0.4 mi.	0.1 mi.	0.1 mi.
23 S	32 E	WM	18	SW SW	WELL 1 - 330 FEET NORTH AND 860 FEET EAST FROM THE NE CORNER OF SECTION 24	0.1 mi.	0.4 mi.	0.5 mi.

11. Permit Amendment Application T-12749 proposes additional points of appropriation under Permit G-17038 located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi.)		
						Well 1	Well 2	Well 3
23 S	32 E	WM	18	SW SW	Well 5 - 90 FEET NORTH AND 170 FEET EAST FROM THE NE CORNER OF SECTION 24	0.1 mi.	0.2 mi.	0.4 mi.
23 S	31 E	WM	24	NE NE	Well 4 - 830 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER OF SECTION 24	0.3 mi.	0.1 mi.	0.2 mi.
23 S	31 E	WM	24	SE NE	Well 6 - 1550 FEET SOUTH AND 400 FEET WEST FROM THE NE CORNER OF SECTION 24	0.4 mi.	0.1 mi.	0.1 mi.

12. Permit Amendment Application T-12749 proposes additional points of appropriation under Permit G-17355 located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from original POA (Well 7) in miles (mi.)
23 S	31 E	WM	24	NE NE	WELL 2 - 910 FEET SOUTH AND 80 FEET WEST FROM THE NE CORNER OF SECTION 24	1.1 mi.
23 S	31 E	WM	24	NE NE	WELL 4 - 830 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER OF SECTION 24	1.2 mi.
23 S	31 E	WM	24	SE NE	WELL 3 - 1380 FEET SOUTH AND 1050 FEET WEST FROM THE NE CORNER OF SECTION 24	1.3 mi.
23 S	31 E	WM	24	SE NE	WELL 6 - 1550 FEET SOUTH AND 400 FEET WEST OF THE NE CORNER OF SECTION 24	1.2 mi.
23 S	32 E	WM	18	SW SW	WELL 1 - 330 FEET NORTH AND 860 FEET EAST OF THE NE CORNER OF SECTION 24	0.8 mi.
23 S	32 E	WM	18	SW SW	WELL 5 - 90 FEET NORTH AND 170 FEET EAST OF THE NE CORNER OF SECTION 24	1.0 mi.

**Permit Amendment Review Criteria**

- 13. The changes would not result in injury to other water rights.
- 14. The changes do not enlarge the permit.
- 15. The changes do not alter any other terms of the permit.

**Conclusions of Law**

The additional points of appropriation and the changes in points of appropriation proposed by Permit Amendment Application T-12749 is consistent with the requirements of ORS 537.211.

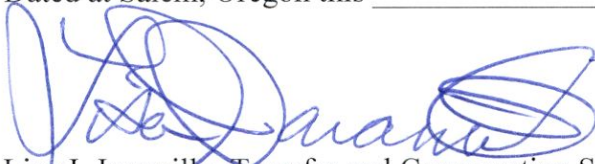
**Now, therefore, it is ORDERED:**

- 1. The additional points of appropriation and the changes in points of appropriation proposed by Permit Amendment Application T-12749 are approved.
- 2. Permit G-18262, in the name of Steve Rickman, is issued to replace Permit G-17038, and incorporates the amendments approved by this order. Permit G-17038 in the name of Steve Rickman is no longer of any force or effect.
- 3. Permit G-18263, in the names of Steven and Kristi Rickman, is issued to replace Permit G-17355, and incorporates the amendments approved by this order. Permit G-17355 is no longer of any force or effect.
- 4. The quantity of water diverted under superseding Permit G-18262 at the proposed points of appropriation (Wells 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 2, and 3).

5. The combined quantity of water diverted under superseding Permit G-18262 at the proposed additional points of appropriation (Wells 4, 5 and 6), together with that diverted at the original points of appropriation (Wells 1, 2, and 3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Wells 1, 2, and 3).
6. The combined quantity of water diverted under superseding Permit G-18263 at the proposed additional points of appropriation (Wells 1, 2, 3, 4, 5 and 6), together with that diverted at the original point of appropriation (Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 7).
7. Water shall be acquired from the same aquifer as the original points of appropriation.
8. 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 new 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.
9. All other terms and conditions of Permits G-18262 and G-18263 remain the same.

NOV 27 2019

Dated at Salem, Oregon this \_\_\_\_\_



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: DEC 02 2019