

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

In the Matter of Permit Amendment)	FINAL ORDER APPROVING A
T-12110, Harney County)	CHANGE IN POINTS OF
)	APPROPRIATION, ADDITIONAL
)	POINTS OF APPROPRIATION, AND A
)	CHANGE IN PLACE OF USE

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.

Applicants

CHARLES AND LOUANNA EGGERT
9955 SW POTANO ST
TUALATIN, OR 97062

Findings of Fact

1. On July 15, 2015, CHARLES AND LOUANNA EGGERT filed an application to change the points of appropriation and for additional points of appropriation and to change in place of use under Permit G-16811. The Department assigned the application number T-12110.
2. On July 24, 2015, the Department received consent from Northwest Farm Credit Services, FLCA.
3. On May 30, 2013, the Department approved an assignment of the permit to Charles W. Eggert.
4. On June 26, 2013, the Department approved an assignment of the permit to Charles W. Eggert and Louanna Eggert and Northwest Farm Credit Services, FLCA.
5. On July 22, 2016, the Department approved an extension of time for complete application of water to October 1, 2021.
6. On January 13, 2016, the Department contacted the applicant's agent, to notify him of deficiencies in the application. On February 1, 2016, the applicant's agent submitted amended application pages and an amended map resolving the deficiencies in the application.

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. Notice of the application for the permit amendment was published in the Department's weekly notice on July 28, 2015, and in the Burns Times Herald newspaper on September 28, and October 5, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
8. Permit Amendment Application T-12110 proposes to replace the authorized points of appropriation from Well 5 and 6 to Well 1 and 9 and move them approximately 0.7 - 1.2 miles from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	16	NW SW	WELL 1 - 2464 FEET NORTH AND 286 FEET EAST FROM THE SW CORNER OF SECTION 16
26 S	30 E	WM	10	SW SW	WELL 9 - 65 FEET NORTH AND 1254 FEET EAST FROM THE SW CORNER OF SECTION 10

9. Permit Amendment Application T-12110 also proposes additional points of appropriation approximately 1.5 – 2.3 miles from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	16	NE NE	WELL 7 - 25 FEET SOUTH AND 320 FEET WEST FROM THE NE CORNER OF SECTION 16
26 S	30 E	WM	16	SE SE	WELL 8 - 600 FEET NORTH AND 185 FEET WEST FROM THE SE CORNER OF SECTION 16

10. Permit Amendment Application T-12110 also proposes to change the place of use of the permit to:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	17	NE NE	32.0
26 S	30 E	WM	17	NW NE	29.2
26 S	30 E	WM	17	SW NE	32.3
26 S	30 E	WM	17	SE NE	36.0
26 S	30 E	WM	17	NE NW	21.8
26 S	30 E	WM	17	NW NW	37.2
26 S	30 E	WM	17	SW NW	39.5
26 S	30 E	WM	17	SE NW	37.6
26 S	30 E	WM	18	NE NE	12.2
26 S	30 E	WM	18	SE NE	13.4
Total					291.2

Permit Amendment Review Criteria

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

Conclusions of Law

The change in points of appropriation and additional points of appropriation and change in place of use proposed by Permit Amendment Application T-12110 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and additional points of appropriation and change in place of use proposed by Permit Amendment Application T-12110 are approved.
2. Permit G-17650, in the name of Charles W. Eggert and Louanna Eggert and Northwest Farm Credit Services, FLCA, is issued to replace Permit G-16811, and incorporates the amendments approved by this order, the extension of time, and the assignments. Permit G-16811, in the name of Charles W. Eggert and Louanna Eggert and Northwest Farm Credit Services, FLCA, is no longer of any force or effect.
3. The combined quantity of water diverted at the new 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 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.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. The former place of use shall no longer be irrigated as part of this permit.
7. All other terms and conditions of Permit G-17650 remain the same.

Dated at Salem, Oregon this 12 day of October, 2016.



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

Mailing Date: 10-19-16