

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12390, Malheur 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

GRESSLEY FARMS LLC
4010 FREESE LANE
ONTARIO, OR 97918

Findings of Fact

1. On May 19, 2016, GRESSLEY FARMS LLC, filed an application for an additional point of appropriation under Permit G-15896. The Department assigned the application number T-12390.
2. On May 5, 2012, the Department approved an assignment of the permit to Robert K. Gressley.
3. On August 19, 2016, the Department approved an extension of time for complete application of water to October 1, 2018.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 31, 2016 and re-noticed on January 24, 2017, and in the Argus Observer newspaper on March 12 and 19, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. On January 23, 2017 the Department contacted the applicant by phone regarding deficiencies in the application.
6. On January 30, 2017 the Department received an amended application page sufficient to satisfy the deficiencies.

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. Permit Amendment Application T-12390 proposes an additional point of appropriation with approximate distances from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized wells
18 S	46 E	WM	21	SW SW	WELL 7 - 385 FEET NORTH AND 250 FEET EAST FROM THE SW 1/4 CORNER OF SECTION 21	WELL #5 - 2.7 Miles WELL #6 - 0.1 Miles

Permit Amendment Review Criteria

- 8. The change would not result in injury to other water rights.
- 9. The change does not enlarge the permit.
- 10. 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-12390 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-12390 is approved.
- 2. Permit G-17759, in the name of ROBERT K GRESSLEY, is issued to replace Permit G-15896, and incorporates the amendments approved by this order, the extension of time and the assignment. Permit G-15896, in the name of KEITH GRESSLEY, 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. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order, 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 water user to report general water use information, including the place and nature of use of water under the permit.
 - B. 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 point of appropriation.
6. All other terms and conditions of Permit G-15896 remain the same.

Dated at Salem, Oregon this 12 day of April, 2017.



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

Mailing Date: APR 14 2017