

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

In the Matter of Permit Amendment)
T-11708, Union County)
)
)
)

FINAL ORDER
APPROVING A CHANGE IN POINTS
OF APPROPRIATION AND A
CHANGE IN PLACE OF USE

Authority

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

DELINT FARMS
65324 ALICEL LANE
COVE, OR 97824

Findings of Fact

1. On December 30, 2013, DELINT FARMS filed an application to change the points of appropriation and to change in place of use under Permit G-15808. The Department assigned the application number T-11708.
2. On August 17, 2010, the Department approved an extension of time for complete application of water to October 1, 2019.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on January 7, 2014, and in the La Grande Observer newspaper on April 14 and 21, 2014, pursuant to ORS 540.520(5).
4. Permit Amendment Application T-11708 proposes to move the authorized points of appropriation for Wells 2 and 4 approximately 5030 feet from existing Well 2 and approximately 550 feet from existing Well 4, to locations described as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	39 E	WM	18	SE SE	WELL 2 - 75 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF SECTION 18.
2 S	39 E	WM	7	SW SE	WELL 4 - 1363 FEET SOUTH AND 1436 FEET WEST FROM THE W¼ CORNER OF SECTION 7

5. Permit Amendment Application T-11708 also proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	7	SW SE	2.5
2 S	39 E	WM	7	SE SE	3.6
2 S	39 E	WM	8	SW SW	3.6
2 S	39 E	WM	17	NW NW	37.2
2 S	39 E	WM	17	SW NW	39.2
2 S	39 E	WM	17	NW SW	39.1
2 S	39 E	WM	17	SW SW	38.2
2 S	39 E	WM	18	NE NE	40.0
2 S	39 E	WM	18	NW NE	33.3
2 S	39 E	WM	18	SW NE	39.6
2 S	39 E	WM	18	SE NE	40.0
2 S	39 E	WM	18	SE NW	3.3
2 S	39 E	WM	18	NE SW	13.2
2 S	39 E	WM	18	SE SW	22.0
2 S	39 E	WM	18	NE SE	40.0
2 S	39 E	WM	18	NW SE	40.0
2 S	39 E	WM	18	SW SE	34.7
2 S	39 E	WM	18	SE SE	37.5
TOTAL					507.0

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.
7. The proposed place of use is owned and/or controlled by the permit holder.
8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.
10. The proposed place of use is contiguous to the authorized place of use

Conclusions of Law

The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-11708 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-11708 are approved.
2. Permit G-17149, in the name of DELINT FARMS, is issued to replace Permit G-15808, and incorporates the amendments approved by this order, and the extension of time. Permit G-15808, in the name of DELINT FARMS, is no longer of any force or effect.

3. The 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. 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.

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-17149 remain the same.

Dated at Salem, Oregon this 8 day of May, 2014.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailed:

MAY 21 2014