

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

In the Matter of Permit Amendment) FINAL ORDER
T-12274, Umatilla 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

HOWARD A ROBBINS INVESTMENTS FAMILY LP
31 ROYAL COURT
SAN RAFAEL, CA 94901

Findings of Fact

1. On February 12, 2016, HOWARD A ROBBINS INVESTMENTS FAMILY LP filed an application for an additional point of appropriation under Permit G-13884. The Department assigned the application number T-12274.
2. On February 20, 2007, the Department approved an assignment of the permit to Milton-Freewater Associates.
3. On April 27, 2015, the Department approved an assignment of the permit to Howard A. Robbins Investments Family, Limited Partnership.
4. On January 15, 2016, the Department approved an extension of time for complete application of water to October 1, 2016.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on February 23, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notice.

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.

6. Permit G-13884 does describe the location of the point of diversion, however information is available from the applicant and the Certified Water Right Examiner and applicant's agent indicating that the point of appropriation is more accurately described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	25	NW NW	WELL 1 - 510 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 25

7. Permit Amendment Application T-12274 proposes an additional point of appropriation approximately 70 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	25	NW NW	WELL 2 - 590 FEET SOUTH AND 875 FEET EAST FROM THE NW CORNER OF SECTION 25

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-12274 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-12274 is approved.
- 2. Permit G-17602, in the name of Howard A. Robbins Investments Family Limited Partnership, is issued to replace Permit G-13884, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-13884, in the name of HOWARD A ROBBINS INVESTMENTS FAMILY LIMITED PARTNERSHIP, 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 point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 4. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, 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.

- B. 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-13884 remain the same.

Dated at Salem, Oregon this 13 day of May, 2016.



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

Mailing Date: MAY 26 2016