BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-10769, Deschutes County)	APPROVING A CHANGE IN POINT OF
)	APPROPRIATION

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

Willows Properties, an Oregon general partnership of James and Judith Knapp P.O. Box 1270 Sisters, Oregon 97759

Findings of Fact

Background

- 1. On January 14, 2009, Willows Properties, an Oregon general partnership of James and Judith Knapp, filed an application to change the point of appropriation under Permit G-15788. The Department assigned the application number T-10769.
- 2. The permit to be amended is as follows:

Permit: G-15788 in the name of Willows Properties, an Oregon general partnership

of James and Judith Knapp

Use: Irrigation of 104.4 acres

Priority Date: November 6, 2000

Quantity: 1.3 cubic feet per second

Rate/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each

acre irrigated during the irrigation season of each year.

Period of Use: April 15 through October 15

Source: A well within the Indian Ford Creek Subbasin, of the Deschutes River Basin

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 137-004-080 and OAR 690-01-005 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.

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
14 S	10 E	WM	21	SW NE	1957 feet West from the E1/4 Corner of Section 21

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
14 S	10 E	WM	21	SW NE	7.2	
14 S	10 E	WM	21	NE SE	1.2	
14 S	10 E	WM	21	NW SE	30.8	
14 S	10 E	WM	21	SW SE	24.4	
14 S	10 E	WM	21	SE SE	13.4	
14 S	10 E	WM	28	NE NE	21.6	
14 S	10 E	WM	28	NW NE	4.4	
14 S	10 E	WM	28	SE NE	1.4	

3. Permit Amendment Application T-10769 proposes to move the authorized point of appropriation to two wells approximately 160 and 370 feet from the existing point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	10 E	WM	21	NW SE	Well 1 - 77 feet South and 1810 feet West from the E¼ Corner of Section 21
14 S	10 E	WM	21	SW NE	Well 2 - 159 feet North and 1625 feet West from the E¼ Corner of Section 21

4. Notice of the application for the permit amendment was published in the Department's weekly notice on February 3, 2009. No comments were filed in response to the notice.

Permit Amendment Review Criteria

- 5. The change would not result in injury to other water rights.
- 6. The change does not enlarge the permit.
- 7. The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-10769 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

2. 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.

- 3. Water shall be acquired from the same aquifer as the original point of appropriation.
- 4. All other terms and conditions of Permit G-15788 remain the same.
- 5. Permit G-15788, in the name of Willows Properties, an Oregon general partnership of James and Judith Knapp, is amended as described herein.

Dated at Salem, Oregon this 24th day of April , 2009.

Phillip C. Ward, Director

Mailing Date: APR 2 9 2009