

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-12566, Harney County	)	APPROVING 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.

**Applicant**

WILLIAM PEILA  
LORI PEILA  
PO BOX 723  
HINES, OR 97738

**Findings of Fact**

1. On January 13, 2017, WILLIAM AND LORI PEILA filed an application for additional points of appropriation and to change the place of use under Permit G-17517. The Department assigned the application number T-12566.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on January 24, 2017, and in the Burns Times Herald newspaper on January 31, 2018 and February 7, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
3. On November 16, 2017, the Department notified the applicant's agent of discrepancies found in the application.
4. On November 20, 2017, the applicant's agent submitted a revised application and map, and removed Permit G-17323 from the permit amendment application.
5. On November 22, 2017, the Department contacted the applicant's agent in regards to potential layering issues with other water rights.
6. On December 6, 2017, the applicant's agent submitted a revised application and map, remedying all layering issues between the other water rights.

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. On December 7, 2017, the Department notified the applicant's agent of discrepancies found in the application received on December 6, 2017.
8. On December 8, 2017, the applicant's agent submitted a revised application clarifying the discrepancies addressed in the deficiency letter sent on December 7, 2017.
9. Permit Amendment Application T-12566 proposes an additional point of appropriation approximately located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well locations measured in feet (ft)	
						Well 2	Well 3
25 S	29 E	WM	29	NW SE	WELL 6 - 1285 FEET SOUTH AND 1460 FEET WEST FROM THE E1/4 CORNER OF SECTION 29	2620	2780

10. Permit Amendment Application T-12566 also proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	29 E	WM	28	NE SW	40.0
25 S	29 E	WM	28	NW SW	37.5
25 S	29 E	WM	28	SW SW	40.0
25 S	29 E	WM	28	SE SW	40.0
25 S	29 E	WM	29	SE SE	16.1
TOTAL					173.6

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	29 E	WM	29	SW NW	30.3
25 S	29 E	WM	29	SE NW	30.7
25 S	29 E	WM	29	NE SW	28.8
25 S	29 E	WM	29	NW SW	28.8
25 S	29 E	WM	29	NE SE	22.4
25 S	29 E	WM	29	SE SE	3.8
TOTAL					144.8

### ***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

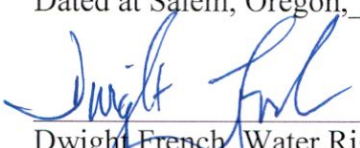
The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-12566 is consistent with the requirements of ORS 537.211.

### Now, therefore, it is ORDERED:

1. The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-12566 is approved.
2. Permit G-17928, in the name of William and Lori Peila, is issued to replace Permit G-17517. Permit G-17517, in the name of William and Lori Peila, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation (Well 6), together with that diverted at the original points of appropriation (Well 2 and Well 3), 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 permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meters in good working order.
  - B. The permittee shall keep a complete record of the amount of water diverted 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.
  - C. The permittee shall allow the watermaster access to the meter; provided however, where any meter or measuring device is located within a private structure, the watermaster shall provide 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-17517 remain the same.

FEB 14 2018

Dated at Salem, Oregon, \_\_\_\_\_.

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

Mailing Date: FEB 15 2018 \_\_\_\_\_