

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

In the Matter of Permit Amendment)
T-7853, Crook County, Oregon)
)
FINAL ORDER

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

Ty Fehrenbacher,
5301 North Lone Pine Road,
Terrebonne, Oregon 97760.

Findings of Fact

1. Ty Fehrenbacher, filed an application to add additional points of appropriation to Wells 1 and 2 under Permit G-11774. The Department assigned the application number T-7853.

2. The permit to be amended is as follows:

Permit: G-11774; in the name of Ty Fehrenbacher;
Use: Irrigation and supplemental irrigation;
Priority Date: December 30, 1991;
Quantity: 803 gpm from Wells 1 and 2;
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 ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is February 1 to December 1.
Acres: Primary irrigation 40.5 acres and supplemental irrigation 143.0 acres;
Source: Three wells, in the Crooked River Basin.

<p>NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW</p> <p>This is an order other than a 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.</p>

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
14	S	14	E	W.M.	17	NE	NW			Well 1 – 900 feet South and 3515 feet West from the NE Corner of Section 17.
14	S	14	E	W.M.	17	SW	NW			Well 2 – 1980 feet South and 4950 feet West from the NE Corner of Section 17.

Authorized Place of Use:

Primary Irrigation

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
14	S	14	E	W.M.	17	SE	NE			4.0
14	S	14	E	W.M.	17	NE	SE			26.0
14	S	14	E	W.M.	17	NW	SE			4.0
14	S	14	E	W.M.	17	SW	SE			4.0
14	S	14	E	W.M.	17	SE	SE			2.5

Supplemental Irrigation

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
14	S	14	E	W.M.	17	SW	NE			39.0
14	S	14	E	W.M.	17	SW	NW			26.0
14	S	14	E	W.M.	17	SE	NW			40.0
14	S	14	E	W.M.	17	NE	SW			38.0

3. Application T-7853 proposes additional points of appropriation located:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
14	S	14	E	W.M.	17	NE	NE			Well 5 – 200 feet South and 460 feet West from the NE Corner of Section 17.
14	S	14	E	W.M.	17	SE	NE			Well 4 – 2100 feet South and 530 feet West from the NE Corner of Section 17.

4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
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 all other terms of the permit.

Conclusion of Law

The additional points of appropriation proposed by Permit Amendment Application T-7853 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

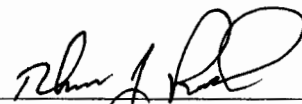
The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation (Wells 4 and 5), together with that diverted at the old points of appropriation (Wells 1 and 2), shall not exceed the maximum rate and duty allowed for Wells 1 and 2 under Permit G-11774.
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 points of appropriation (Wells 1 and 2).
4. All other terms and conditions of Permit G-11774 remain the same.
5. Permit G-11774, in the name of Ty Fehrenbacher, is amended as described herein.

Dated at Salem, Oregon this 18th day of OCTOBER, 2004.



for Phillip C. Ward,
Acting Director