

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

In the Matter of Permit Amendment) FINAL ORDER
T-11411, Harney County) APPROVING A CHANGE IN POINTS
) OF APPROPRIATION AND AN
) ADDITIONAL 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

STEVE RICKMAN
69705 OLD EXPERIMENT RD
BURNS, OR 97720

Findings of Fact

Background

1. On April 26, 2012, STEVE RICKMAN filed an application to change the points of appropriation and for an additional point of appropriation under Permit G-16654. The Department assigned the application number T-11411.
2. Permit Amendment Application T-11411 proposes to move the authorized points of appropriation, Wells 1 and 2, to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	32 E	WM	18	SW SW	WELL 1 - 460 FEET SOUTH AND 1120 FEET WEST FROM THE NE CORNER OF SECTION 24
23 S	31 E	WM	24	NE NE	WELL 2 - 280 FEET NORTH AND 520 FEET EAST FROM THE SW CORNER OF SECTION 18

3. Permit Amendment Application T-11411 proposes an additional point of appropriation approximately between 1000 and 2200 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	31 E	WM	24	SE NE	WELL 3 - 1800 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 24

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.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 1, 2012, and in the Burns Times Herald newspaper on February 6 and 13, 2012, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

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

Conclusions of Law

The change in points of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11411 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11411 is approved.
2. Permit G-16918, in the name of STEVE RICKMAN, is issued to replace Permit G-16654 and incorporates the amendments approved by this order. Permit G-16654, in the name of STEVE RICKMAN, 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. The combined quantity of water diverted at the new additional point of appropriation, together with that diverted at Wells 1 and 2, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Prior to water use from the proposed point(s) of appropriation, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, 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.

6. Water shall be acquired from the same aquifer as the original points of appropriation.

7. All other terms and conditions of Permit G-16918 remain the same.

Dated at Salem, Oregon this 26 day of February, 2013.



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

Mailing Date: MARCH 1, 2013