

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

In the Matter of Permit Amendment                    )    FINAL ORDER  
T-13336, Baker County                                    )    APPROVING A CHANGE IN 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**

MIKE BECKER  
MIKE BECKER GENERAL CONTRACTOR, INC.  
PO BOX 1159  
LA GRANDE, OR 97850

**Findings of Fact**

1. On December 27, 2019, MIKE BECKER/MIKE BECKER GENERAL CONTRACTOR, INC., filed an application to change a point of appropriation under Permit G-17095. The Department assigned the application number T-13336.
2. Notice of the application for the permit amendment was published in the Department’s weekly notice on December 31, 2019, and in the Baker City Herald newspaper on March 3 and March 10, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. On January 23, 2019, the Department recorded an assignment of Permit G-17095 from Larry Wogman to Michael A. Becker and AXA Equitable Life Insurance Company.
4. Completion of construction and application of the water was to be made on or before October 24, 2018, when the permit was originally issued on October 4, 2013. By Extension of Time Final Order dated February 15, 2019, the completion of construction and application of water was extended to on or before October 1, 2028.
5. Permit Amendment Application T-13336 proposes a change in a point of appropriation of section 4 well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	39 E	WM	9	SE SE	WELL #5 - 646 FEET NORTH AND 143 FEET WEST FROM THE SE CORNER OF SECTION 9

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. Approximate distance of the proposed point of appropriation from the authorized points of appropriation, in Miles (mi.):

Proposed Well	Authorized Section 4 Well
WELL #5	1.2 mi.

**Permit Amendment Review Criteria**

- 7. The change would not result in injury to other water rights.
- 8. The change does not enlarge the permits.
- 9. The change does not alter any other terms of the permits.


**Conclusions of Law**

The change in a point of appropriation proposed by Permit Amendment Application T-13336 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

- 1. The change in a point of appropriation proposed by Permit Amendment Application T-13336 is approved.
- 2. Permit G-18368, in the name of Michael A. Becker and AXA Equitable Life Insurance Company, is issued to replace Permit G-17095, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-17095 in the name of Michael A. Becker and AXA Equitable Life Insurance Company, is no longer of any force or effect.
- 3. The combined quantity of water diverted at the new point of appropriation, (Well #5), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Section 4 Well).
- 4. Water shall be acquired from the same aquifer as the original point of appropriation.
- 5. All other terms and conditions of Permit G-18368 remain the same.

Dated in Salem, Oregon on           MAY 01 2020          

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department  
MAY 04 2020

Mailing Date: \_\_\_\_\_