

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	30 E	WM	34	SE SW	Well 7 - 2090 feet South and 762 feet West from the C¼ Corner of Section 34
25 S	30 E	WM	34	SE SW	Well 2 - 1769 feet South and 121 feet West from the C¼ Corner of Section 34

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres NOT affected by the change in POA	Acres affected by the change in POA
25 S	30 E	WM	34	NE SW			0.2
25 S	30 E	WM	34	SW SW		28.0	0.6
25 S	30 E	WM	34	SE SW		23.3	
25 S	30 E	WM	34	NE SE			33.1
25 S	30 E	WM	34	NW SE			34.1
25 S	30 E	WM	34	SW SE			37.7
25 S	30 E	WM	34	SE SE			35.8
26 S	30 E	WM	3	NE NE	1		34.2
26 S	30 E	WM	3	NW NE	2		4.9
26 S	30 E	WM	3	SW NE			0.1
26 S	30 E	WM	3	SE NE			7.0
26 S	30 E	WM	3	NE NW	3	15.8	
26 S	30 E	WM	3	NW NW	4	19.0	
Sub-total						86.1	187.7
Total						273.8	

3. Permit Amendment Application T-10723 proposes to change the authorized point of appropriation of Well 7 for 187.7 acres approximately 4500 feet west to Well 9 located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	30 E	WM	34	SE SW	Well 9 - 4300 feet South and 30 feet West from the N¼ Corner of Section 33

4. Notice of the application for the permit amendment was published in the Department's weekly notice on November 18, 2008, and in the Burns Times-Herald newspaper on April 22, 29 and May 6, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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 changes do not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-10723 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 point 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 points of appropriation.
4. All other terms and conditions of Permit G-16150 remain the same.
5. Permit G-16150, in the name of Rattlesnake Creek Land and Cattle LLC, is amended as described herein.

Dated at Salem, Oregon this 8th day of May, 2009.


Phillip C. Ward, Director *Pr*

Mailing Date: MAY 27 2009