

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

In the Matter of Permit Amendment)
T-11452, Morrow County) **FINAL ORDER**
) **APPROVING AN ADDITIONAL 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.

Applicants

TIMOTHY HELLBERG
81300 W 6TH
IRRIGON, OR 97844

TRINA HELLBERG MILES AND DARRELL MILES
242309 E. TIERNEY PR SE
KENNEWICK, WA 99337

Findings of Fact

1. On July 27, 2012, TIMOTHY HELLBERG AND TRINA HELLBERG MILES AND DARRELL MILES filed an application for an additional point of appropriation under Permit G-16366. The Department assigned the application number T-11452.
2. On October 24, 2014, the Department approved an extension of time for complete application of water to October 1, 2017.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on August 7, 2012, and in the Heppner Gazette-Times newspaper on November 30, 2016 and December 7, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. Permit Amendment Application T-11452 proposes an additional point of appropriation approximately 2520 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	26 E	WM	26	SE NW	WELL 2 (MORR 1234): 1610 FEET SOUTH AND 70 FEET WEST FROM THE N1/4 CORNER OF SECTION 26

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.

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. The change does not alter any other terms of the permit.

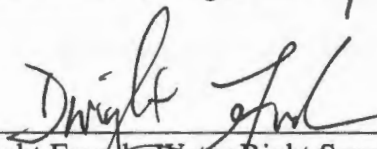
Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-11452 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-11452 is approved.
2. Permit G-17548, in the name of TIMOTHY HELLBERG AND TRINA HELLBERG MILES AND DARRELL MILES, is issued to replace Permit G-16366, and incorporates the amendment approved by this order, and the extension of time. Permit G-16366, in the name of TIMOTHY HELLBERG AND TRINA HELLBERG MILES AND DARRELL MILES, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. All other terms and conditions of Permit G-16366 remain the same.

Dated at Salem, Oregon this 9 day of January, 2017.



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

Mailing Date: JAN 13 2017