

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

In the Matter of Permit Amendment)
T-9802, Union 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

Paul Rudd
64053 Gekeler Lane
La Grande, Oregon 97850

Findings of Fact

1. On October 8, 2004, Paul Rudd, filed an application to add an additional point of appropriation to Well 3 under Permit G-15541. The Department assigned the application number T-9802.

2. The permit to be amended is as follows:
 - Permit:** G-15541, in the name of Brett Rudd, Paul and Janet Rudd;
 - Use:** Irrigation
 - Priority Date:** June 5, 2003
 - Quantity:** 4.46 cubic feet per second
 - 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.

 - Acres:** 368.0 acres
 - Source:** Three wells, in the Wright Slough Basin.
 - Date Of Complete Application of Water:** October 1, 2008

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
2	S	39	E	W.M.	29	SW	NE	Well 3 - 132 feet North and 90 feet East from the C¼ Corner of Section 29.

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Acres		
2	S	39	E	W.M.	29	NW NE	40.0
2	S	39	E	W.M.	29	SW NE	18.0
2	S	39	E	W.M.	29	NE NW	40.0
2	S	39	E	W.M.	29	NW NW	40.0
2	S	39	E	W.M.	29	SW NW	35.0
2	S	39	E	W.M.	29	SE NW	40.0
2	S	39	E	W.M.	30	NE NE	40.0
2	S	39	E	W.M.	30	NW NE	40.0
2	S	39	E	W.M.	30	SW NE	40.0
2	S	39	E	W.M.	30	SE NE	35.0

3. Application T-9802 proposes to add an additional point of appropriation to Well 3 under the permit located:

Township		Range		Meridian	Sec	¼ ¼		Location
2	S	39	E	W.M.	29	NW	NE	1320 feet North of C¼ Corner of Section 29.

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.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-9802 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

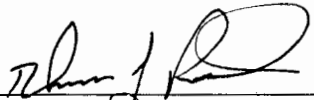
The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-15541.
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 point of appropriation, Well 3.
4. All other terms and conditions of Permit G-15541 remain the same.
5. Permit G-15541, in the name of Brett Rudd, Paul and Janet Rudd, is amended as described herein.

Dated at Salem, Oregon this 14th day of JANUARY, 2005.



for Phillip C. Ward,
Director