

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

In the Matter of Permit Amendment)	FINAL ORDER APPROVING
T-12542, Baker County)	ADDITIONAL POINTS 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

JASON WILLIAMS
HAY INC.
65579 WOLF CREEK LANE
NORTH POWDER, OR 97867

Findings of Fact

1. On December 19, 2016, Jason Williams; Hay Inc. filed an application for additional points of appropriation under Permit G-16687. The Department assigned the application number T-12542.
2. On June 21, 2016, the Department approved an extension of time for complete application of water to October 1, 2020.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on December 27, 2016, and in the Baker City Herald newspaper on August 18 and 25, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. On May 16, 2017, the Department contacted the agent regarding deficiencies in the application. The location of the authorized well in the application and the location on the application map are different. The permit acres shown on the map did not match the original permitted lands. The agent submitted amendments to the application.

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.

- Permit Amendment Application T-12542 proposes additional points of appropriation approximately between 0.8 and 1.7 miles from the existing point of appropriation. The proposed points of appropriation are located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	39 E	WM	3	NW SE	WELL A – 2330 FEET NORTH AND 2970 FEET EAST FROM THE SE CORNER OF SECTION 4
7 S	39 E	WM	3	NE NE	WELL B – 4525 FEET NORTH AND 5240 FEET EAST FROM THE SE CORNER OF SECTION 4
6 S	39 E	WM	35	SE SW	WELL C – 5290 FEET NORTH AND 6995 FEET EAST FROM THE SE CORNER OF SECTION 4, TOWNSHIP 7 SOUTH, RANGE 39 EAST
7 S	39 E	WM	2	NW SW	WELL D – 2590 FEET NORTH AND 5955 FEET EAST FROM THE SE CORNER OF SECTION 4

Permit Amendment Review Criteria

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

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-12542 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- The additional points of appropriation proposed by Permit Amendment Application T-12542 are approved.
- Permit G-17841, in the names of Hay, Inc. and Jason Williams, is issued to replace Permit G-16687, and incorporates the amendments approved by this order and the extension of time. Permit G-16687, in the names of Hay, Inc. and Jason Williams, is no longer of any force or effect.
- The combined quantity of water diverted at the new points 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.
- Water use measurement conditions:
 - Before water use may begin under this permit, 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.

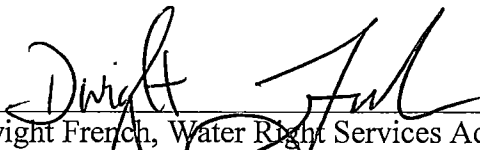
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity of the permittee to submit alternative measuring and reporting procedures for review and approval.

5. Water shall be acquired from the same aquifer as the original point of appropriation.

6. The former place of use shall no longer be irrigated as part of this permit.

7. All other terms and conditions of Permit G-17841 remain the same.

Dated at Salem, Oregon this 7 day of September 2017.



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

Mailing Date: SEP 13 2017