

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

In the Matter of Permit Amendment                    )     **FINAL ORDER**  
T-12041, 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**

LOUIS MARKS  
47740 ANTHONY LAKES HWY  
NORTH POWDER, OR 97867

**Findings of Fact**

1. On April 17, 2015, LOUIS MARKS filed an application to change the point of appropriation under Permit G-16263. The Department assigned the application number T-12041.
2. On January 8, 2015, the Department approved an extension of time for complete application of water to October 1, 2019.
3. Notice of the application for the permit amendment was published in the Department’s weekly notice on April 28, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. On January 14, 2016, the applicant revised the application to reflect a different location approved by groundwater for well 2.
5. Permit Amendment Application T-12041 proposes to move well 2 approximately 400 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	2	SE NE	WELL 2: 1560 FEET SOUTH AND 310 FEET WEST FROM THE NE CORNER OF SECTION

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 Review Criteria**

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

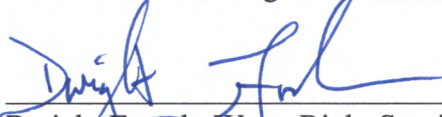
**Conclusions of Law**

The change in point of appropriation proposed by Permit Amendment Application T-12041 is consistent with the requirements of ORS 537.211.

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

- 1. The change in point of appropriation proposed by Permit Amendment Application T-12041 is approved.
- 2. Permit G-17542, in the name of LOUIS MARKS, is issued to replace Permit G-16263, and incorporates the amendments approved by this order and the extension of time. Permit G-16263, in the name of LOUIS MARKS, is no longer of any force or effect.
- 3. 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.
- 4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- 5. Water shall be acquired from the same aquifer as the original point of appropriation.
- 6. All other terms and conditions of Permit G-16263 remain the same.

Dated at Salem, Oregon this 25 day of February, 2016.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department  
Mailing Date: MAR 02 2016