

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

In the Matter of Permit Amendment) FINAL ORDER
T-8077, Malheur County) DENYING A CHANGE IN POINT OF
) DIVERSION AND 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 diversion and/or place of use authorized under an existing water right permit.

Applicant

CITY OF ONTARIO
444 SW 4TH ST
ONTARIO, OR 97914

Findings of Fact

1. On September 8, 1998, the City of Ontario filed an application to change the point of diversion and to change the point of appropriation under Permits G-4485 and S-43401. The Department assigned the application number T-8077.
2. On June 24, 2003, the Department approved an extension of time for Water Use Permit G-4485 to complete application of water to October 1, 2023.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on September 15, 1998, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. The development deadline date under Permit S-43401 expired on October 1, 2000.
5. The development deadline date under Permit S-43401 is expired and there is not a pending Extension of Time Application on file for Water Use Permit S-43401; therefore, the Department cannot approve Permit Amendment T-8077.

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.

Conclusions of Law

The changes in points of diversion and changes in point of appropriation proposed by Permit Amendment Application T-8077 are **NOT** consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. Permit Amendment Application T-8077 is denied.
2. Permit Amendment Application T-8077 is no longer in any force or effect.

Dated at Salem, Oregon this 7th day of November, 2018.



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

Mailing Date: NOV 08 2018