

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	22 E	WM	26	NW NW	WELL 4 - 480 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
WELL 4					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	22 E	WM	25	SW NW	8.0
16 S	22 E	WM	26	NW NE	13.0
16 S	22 E	WM	26	SW NE	40.0
16 S	22 E	WM	26	SE NE	38.5
16 S	22 E	WM	26	NE NW	25.2
16 S	22 E	WM	26	NW NW	6.1
16 S	22 E	WM	26	SE NW	33.0
16 S	22 E	WM	26	NE SW	5.5
16 S	22 E	WM	26	NE SE	19.7
16 S	22 E	WM	26	NW SE	20.0

3. Permit Amendment Application T-10868 proposes to move the authorized point of appropriation from Well 4 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	22 E	WM	26	SE NW	WELL 4 (NEW) - 150 FEET NORTH AND 1680 FEET EAST FROM THE W¼ CORNER OF SECTION 26
16 S	22 E	WM	25	SE SE	WELL 5 - 330 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 25
16 S	22 E	WM	25	NW SW	WELL 8 - 300 FEET SOUTH AND 425 FEET EAST FROM THE W¼ CORNER OF SECTION 25

4. Permit Amendment Application T-10868 also proposes to change the place of use of a portion of the permit to:

WELL 4					
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	22 E	WM	26	SW NE	32.3
16 S	22 E	WM	25	NE NW	14.6
16 S	22 E	WM	26	SE NW	27.9
16 S	22 E	WM	26	NE SE	14.0
16 S	22 E	WM	26	NW SE	39.9
16 S	22 E	WM	26	SW SE	2.4
16 S	22 E	WM	26	SE NE	9.6

WELL 5					
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	22 E	WM	25	SW SW	3.4
16 S	22 E	WM	25	SE SW	5.2

WELL 8					
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	22 E	WM	25	NE NW	27.7
16 S	22 E	WM	25	NW NW	23.4
16 S	22 E	WM	25	SW NW	3.5
16 S	22 E	WM	25	SE NW	4.1
16 S	22 E	WM	26	SE NE	1.0

5. Notice of the application for the permit amendment was published in the Department's weekly notice on May 26, 2009, and in the Central Oregonian newspaper on August 26, September 2, and 9, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

6. The changes would not result in injury to other water rights.
7. The proposed place of use is owned by the permit holder.
8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.
10. The proposed places of use are contiguous to the authorized place of use.

Conclusions of Law

The change in point of appropriation and changes in place of use proposed by Permit Amendment Application T-10868 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

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

1. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 4).
2. Prior to water use from the proposed point of appropriation, the permittee shall install totalizing flow meters or other suitable measuring devices as approved by the Director. The permittee shall maintain the meters or measuring devices 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 meters or measuring devices; 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.
4. The former place of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-15078 remain the same.
6. PermitG-15078, in the name of GUTIERREZ CATTLE CO., is amended as described herein.

Dated at Salem, Oregon this 15th day of September, 2009.



Phillip C. Ward, Director *

Mailing Date: SEP 21 2009