# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment		)	FINAL ORDER	
T-12852, Yamhill County		)	APPROVING A CHANGE IN PLAC	E
	-	)	OF USE	

### 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

HANS HENDGEN 1271 NE HIGHWAY 99W, PMB 418 MCMINNVILLE, OR 97128

### **Findings of Fact**

- 1. On February 16, 2018, HANS HENDGEN filed an application to change in place of use under Permit G-17491. The Department assigned the application number T-12852.
- 2. Notice of the application for the permit amendment was published in the Department's weekly notice on February 27, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 3. Permit Amendment Application T-12852 proposes to change the place of use of the permit to:

	IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres		
5 S	4 W	WM	7	SW NE		43	5.6		
5 S	4 W	WM	7	SW ŅE		43	0.5		
5 S	4 W	WM	7	SE NW	5:3		0.4		
5 S	4 W	WM	7	NE SW	A 7	43	0.9		
5 S	4 W	WM	. 7	NW SE		43	10.3		
						Total	17.7		

#### Permit Amendment Review Criteria

- 4. The change would not result in injury to other water rights.
- 5. The proposed place of use is owned and/or controlled by the permit holder.

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.

- 6. The change does not enlarge the permit.
- 7. The change does not alter any other terms of the permit.
- 8. The proposed place of use is contiguous to the authorized place of use.

#### **Conclusions of Law**

The change in place of use proposed by Permit Amendment Application T-12852 is consistent with the requirements of ORS 537.211.

# Now, therefore, it is ORDERED:

- 1. The change in place of use proposed by Permit Amendment Application T-12852 is approved.
- 2. Permit G-18142, in the name of Hans Hendgen, is issued to replace Permit G-17491, and incorporates the amendments approved by this order. Permit G-17491, in the name of HANS HENDGEN, is no longer of any force or effect.
- 3. 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.
  - 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.
- 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-18142 remain the same.

Dated at Salem, Oregon this NOV 2 0 2018

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

Mailing Date: NOV 21 2018