

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

In the Matter of Permit Amendment)	FINAL ORDER
T-11212, Grant County)	APPROVING ADDITIONAL POINTS
)	OF APPROPRIATION

Authority

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

CITY OF PRAIRIE CITY
PO BOX 370
PRAIRIE CITY, OR 97869

Findings of Fact

Background

1. On March 17, 2011, CITY OF PRAIRIE CITY filed an application for additional points of appropriation under Permit G-15077. The Department assigned the application number T-11212.

2. The permit to be amended is as follows:

Permit:	G-15077 in the name of CITY OF PRAIRIE CITY (previously amended by T-10237, Special Order Volume 72, Page 351)
Use:	MUNICIPAL USE
Priority Date:	JULY 26, 2000
Quantity:	2.0 CUBIC FEET PER SECOND
Period of Use:	YEAR ROUND
Sources:	WELLS 1, 2, 3, 4, 5, AND 6, ADDITIONAL SITE WELLS 1, 2, 3, AND 4 within the JOHN DAY RIVER BASIN

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 137-004-080 and OAR 690-01-005 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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	33 E	WM	9	SE NW	WELL 1 – 1400 FEET SOUTH AND 2450 FEET EAST FROM THE NW CORNER OF SECTION 9
13 S	33 E	WM	10	SW NW	WELL 2 – 1360 FEET SOUTH AND 640 FEET EAST FROM THE NW CORNER OF SECTION 10
13 S	33 E	WM	10	NE SE	WELL 3 – 1410 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	33 E	WM	34	SE NW	WELL 4 – 1700 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 34
12 S	33 E	WM	35	NE SW	WELL 5 – 1550 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 35
13 S	33 E	WM	2	NW SW	WELL 6 – 25 FEET SOUTH AND 985 FEET EAST FROM THE W¼ CORNER OF SECTION 2
12 S	33 E	WM	34	NW NW	ADDITIONAL SITE 1 – LAT 44.4867°, LONG -118.7323°
12 S	33 E	WM	34	NW NW	ADDITIONAL SITE 2 – LAT 44.4869°, LONG -118.7335°
12 S	33 E	WM	34	NW NW	ADDITIONAL SITE 3 – LAT 44.4873°, LONG -118.7352°
12 S	33 E	WM	34	NW NE	ADDITIONAL SITE 4 – LAT 44.4896°, LONG -118.7215°

Authorized Place of Use:

MUNICIPAL USE
WITHIN THE SERVICE BOUNDARIES OF THE CITY

3. Permit Amendment Application T-11212 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	33 E	WM	26	SE SW	WELL PS 1 (WELL 2) – LAT 44°29'33.95", LONG -118°42'23.80"
12 S	33 E	WM	26	NW NE	WELL PS 2 (WELL 3) – LAT 44°30'13.72", LONG -118°42'05.17"

4. Notice of the application for the permit amendment was published in the Department's weekly notice on March 29, 2011, and in the Blue Mountain Eagle newspaper on June 15, 22, and 29, 2011, pursuant to ORS 540.520(5). Karl A. Voigt, on behalf of several residents, filed a comment in response to the notice.
5. Mr. Voigt's comments expressed concern that one of the proposed wells, PS 1 (Well 2), when the well was running, actually dried up a section of Dixie Creek.
6. In response to Mr. Voigt's comments, the Department's Groundwater Section re-reviewed the permit amendment application and found that, given the construction details from the well log, the proposed Well 2 would unlikely be in close hydraulic connection with the creek and that the creek may have been responding to something other than the pumping of Well 2.

Permit Amendment Review Criteria

7. The change would not result in injury to other water rights.

8. The change does not enlarge the permit.
9. 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-11212 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

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

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed additional points of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 meter or measuring device; 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 confined or semi-confined aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-15077 remain the same.
5. Permit G-15077, in the name of CITY OF PRAIRIE CITY, is amended as described herein.

Dated at Salem, Oregon this 19 day of September, 2011.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: SEP 20 2011