# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER APPROVING
T-11992, Morrow County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION, AND A CHANGE
	)	IN PLACE 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

PORT OF MORROW P.O. BOX 200 #2 MARINE DRIVE BOARDMAN, OR 97818

## **Findings of Fact**

- 1. On February 27, 2015, PORT OF MORROW filed an application for additional points of appropriation and to change in place of use under Permit G-16935. The Department assigned the application number T-11992.
- 2. On June 19, 2015, the Department approved an application for an extension of time to complete application G-13264 permit G-16359. The time allowed for completion is extended to October 1, 2018.
- 3. Notice of the application for the permit amendment was published in the Department's weekly notice on March 3, 2015, and in the Heppner Gazette newspaper on December 2 and 9, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 4. The applicant provided a more accurate description of PORT WELL #7 it is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
4 N	25 E	WM	10	SE NW	PORT WELL #7—1108 FEET NORTH AND 1417 FEET EAST FROM THE W1/4 CORNER OF SECTION 11

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.

5. Permit Amendment Application T-11992 proposes five additional points of appropriation (POA) described below with approximate distances from the authorized points of appropriation to:

Tum	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distances		
Twp	King	IVICI	300	<u> </u>	Weasureu Distances	Authorized POA	mile	
					EB WELL #1-1372 FEET SOUTH AND	WELL 4 A	1.07	
AN	25 E	ww	2	SE NW	3646 FEET WEST FROM THE NE	WELL 5A	1.06	
4.14	25 1	** 1*1	1	SEIW	CORNER OF SECTION 2	PORT WELL #6	1.64	
					CORNER OF SECTION 2	PORT WELL #7	0.90	
				EB WELL #2- 1444 FEET SOUTH AND	WELL 4 A	1.23		
AN	25 E	WM	2	SE NW	3710 FEET WEST FROM THE NE	WELL 5A	1.21	
4 1	25 E	<b>VV</b> 1 <b>V1</b>	2		CORNER OF SECTION 2	PORT WELL #6	1.5	
					CORNER OF SECTION 2	PORT WELL #7	0.76	
			2	2 SE NW	EB WELL #3- 1595 FEET SOUTH AND 3850 FEET WEST FROM THE NE CORNER OF SECTION 2	WELL 4A	1.14	
	25 E	ww				WELL 5A	0.98	
4.14	25 1	<b>VV</b> IVI	2			PORT WELL #6	1.44	
					CORNER OF SECTION 2	PORT WELL #7	1.04	
				FARM WELL #2-338 FEET SOUTH AND	WELL 4A	1.15		
AN	25 5	ww	1 12	NW NW	691 FEET EAST FROM THE NW CORNER OF SECTION 12	WELL 5A	1.00	
4 19	25 E	VV 1V1				PORT WELL #6	1.42	
						PORT WELL #7	1.03	
				FARM WELL #3- 1030 FEET SOUTH AND	WELL 4A	1.18		
4 N	25 E	WNA	12		120 FEET EAST FROM THE NW CORNER	WELL 5A	1.03	
4 1	23 E	VV IVI			OF SECTION 12	PORT WELL #6	1.38	
				OF SECTION 12	PORT WELL #7	1.00		

6. Permit Amendment Application T-11992 also proposes to change the place of use of the permit to:

	IRRIGATION							
Twp	Rng	Acres						
4 N	25 E	WM	11	NE NE	0.30			
4 N	25 E	WM	11	SW NE	6.50			
4 N	25 E	WM	11	SE NE	11.10			
4 N	25 E	WM	11	NE SE	12.50			
4 N	25 E	WM	11	NW SE	31.50			
4 N	25 E	WM	12	NW NW	3.70			
4 N	25 E	WM	12	SWNW	26.80			
4 N	25 E	WM	12	NW SW	25.80			
4 N	25 E	WM	12	SW SW	0.60			
Total								

	SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres		
4 N	25 E	WM	1	NE NE	1	30.30		
4 N	25 E	WM	1	NW NE	2	33.80		
4 N	25 E	WM	1	SW NE		34.30		
4 N	25 E	WM	1	SE NE	3	20.00		
4 N	25 E	WM	1	NE NW		0.80		
4 N	25 E	WM	1	SWNW		20.30		

	INDUSTRIAL USES
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SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	
4 N	25 E	WM	1	SE NW		37.30	
4 N	25 E	WM	1	NE SW		35.80	
4 N	25 E	WM	1	NW SW		18.30	
4 N	25 E	WM	1	NE SE		35.40	
4 N	25 E	WM	1	NW SE		34.70	
4 N	25 E	WM	1	SW SE		11.70	
4 N	25 E	WM	1	SE SE		33.80	
4 N	25 E	WM	12	NE NE		38.10	
4 N	25 E	WM	12	NW NE		0.70	
4 N	25 E	WM	12	SW NE		9.20	
4 N	25 E	WM	12	SE NE		1.60	
4 N	25 E	WM	12	SE NW		0.10	
4 N	25 E	WM	12	NE SE		30.80	
4 N	25 E	WM	12	NW SE		36.80	
4 N	25 E	WM	12	SW SE		9.20	
4 N	25 E	WM	12	SE SE		7.30	
4 N	26 E	WM	6	SW NE		0.50	
4 N	26 E	WM	6	SE NE		6.60	
4 N	26 E	WM	6	NENW	3	31.10	
4 N	26 E	WM	6	NWNW		34.50	
4 N	26 E	WM	6	SW NW		12.00	
4 N	26 E	WM	6	SE NW		8.50	
4 N	26 E	WM	6	NE SW		32.40	
4 N	26 E	WM	6	NW SW		30.90	
4 N	26 E	WM	6	SW SW		39.70	
4 N	26 E	WM	6	SE SW		38.00	
4 N	26 E	WM	6	NE SE		34.30	
4 N	26 E	WM	6	NW SE		31.00	
4 N	26 E	WM	6	SW SE		20.20	
4 N	26 E	WM	6	SE SE		18.00	
4 N	26 E	WM	7	NE NW		12.00	
4 N	26 E	WM	7	NWNW		21.00	
Total 851.0							

## Permit Amendment Review Criteria

- 5. The changes would not result in injury to other water rights.
- 6. The proposed place of use is owned and/or controlled by the permit holder.
- 7. The changes do not enlarge the permit.
- 8. The changes do not alter any other terms of the permit.
- 9. The proposed place of use is contiguous to the authorized place of use.

### **Conclusions of Law**

The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-11992 are consistent with the requirements of ORS 537.211.

#### Now, therefore, it is ORDERED:

- 1. The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-11992 are approved.
- 2. Permit G-17516, in the name of Port of Morrow, is issued to replace Permit G-16935, and incorporates the amendments approved by this order and the extension of time. Permit G-16935 in the name of Port of Morrow is no longer of any force or effect.
- 3. 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.
- 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 points of appropriation.
- 6. The former place of use shall no longer be irrigated as part of this permit.
- 7. All other terms and conditions of Permit G-16935 remain the same.

Dated at Salem, Oregon this <u>&</u> day of February, 2015.

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

Mailing Date: FEB **2 2** 2016