

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-13026, Crook County	)	APPROVING 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

CITY OF PRINEVILLE
ATTN: ERIC KLANN
387 NE 3RD ST
PRINEVILLE, OR 97754

Findings of Fact

1. On September 13, 2018, CITY OF PRINEVILLE, ATTN: ERIC KLANN filed an application for additional points of appropriation and to change in place of use under Permit G-12541. The Department assigned the application number T-13026.
2. On January 5, 2011, the Department approved an assignment of the permit from Clear Pine Mouldings Inc. to the City of Prineville.
3. On April 20, 2010, the Department approved an extension of time for complete application of water to October 1, 2019.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on September 18, 2018, and in the Central Oregonian newspaper on July 19, and 26, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. On December 26, 2018, the applicant's agent submitted a revised application, modifying the location of a proposed point of appropriation, and adding an additional point of appropriation (APOA).

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. On April 23, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Department requested that the deficiency be resolved by May 22, 2019. Table 1 of the application identified the reference corner for a proposed well as being measured from the Southeast corner, whereas the map identified the reference corner being the Southwest corner.
7. On April 30, 2019, the applicant's agent submitted a revised table and map, resolving the deficiency.
8. Permit Amendment Application T-13026 proposes APOA as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	16 E	WM	31	SW SE	YANCEY WELL 2 - 613 FEET NORTH AND 1730 FEET WEST FROM THE SE CORNER OF SECTION 31
14 S	16 E	WM	32	NW SW	NEW OCHOCO HEIGHTS WELL - 1677 FEET NORTH AND 680 FEET EAST FROM THE SW CORNER OF SECTION 32
14 S	16 E	WM	32	SE SW	JUNIPER WELL - 97 FEET NORTH AND 2493 FEET EAST FROM THE SW CORNER OF SECTION 32
15 S	16 E	WM	5	NW NW	STRYKER PARK WELL - 277 FEET SOUTH AND 812 FEET EAST FROM THE SW CORNER OF SECTION 32

Approximate distance from the original points of appropriation in miles (mi.)			
PROPOSED APOA	CLEAR PINE WELL 1	CLEAR PINE WELL 2	CLEAR PINE WELL 3
YANCEY WELL 2	0.7mi.	0.6 mi.	0.7 mi.
NEW OCHOCO HEIGHTS WELL	0.6 mi.	0.6 mi.	0.9 mi.
JUNIPER WELL	1.1 mi.	1.1 mi.	1.3 mi.
STRYKER PARK WELL	1.0 mi.	0.9 mi.	1.1 mi.

9. Permit Amendment Application T-13026 also proposes to change the place of use of the permit to within the City of Prineville Service Boundary, as follows:

INDUSTRIAL USE INCLUDING FIRE PROTECTION AND DUST CONTROL				
Twp	Rng	Mer	Sec	Q-Q
14 S	15 E	WM	25	NE SW
14 S	15 E	WM	25	SE SW
14 S	15 E	WM	25	NW SE
14 S	15 E	WM	25	SW SE
14 S	15 E	WM	25	SE SE
14 S	15 E	WM	36	NE NE
14 S	15 E	WM	36	NW NE
14 S	15 E	WM	36	SW NE
14 S	15 E	WM	36	SE NE
14 S	15 E	WM	36	NE NW
14 S	15 E	WM	36	NE SW
14 S	15 E	WM	36	SE SW

INDUSTRIAL USE INCLUDING FIRE PROTECTION AND DUST CONTROL				
Twp	Rng	Mer	Sec	Q-Q
14 S	16 E	WM	32	SE SE
14 S	16 E	WM	33	NW NE
14 S	16 E	WM	33	SW NE
14 S	16 E	WM	33	NE NW
14 S	16 E	WM	33	NW NW
14 S	16 E	WM	33	SW NW
14 S	16 E	WM	33	SE NW
14 S	16 E	WM	33	NE SW
14 S	16 E	WM	33	NW SW
14 S	16 E	WM	33	SW SW
14 S	16 E	WM	33	SE SW
14 S	16 E	WM	33	NE SE
14 S	16 E	WM	33	NW SE
14 S	16 E	WM	33	SW SE
14 S	16 E	WM	33	SE SE
14 S	16 E	WM	34	NW SW
15 S	15 E	WM	1	NE NE
15 S	15 E	WM	1	NW NE
15 S	15 E	WM	1	SW NE
15 S	15 E	WM	1	SE NE
15 S	15 E	WM	1	NE NW
15 S	15 E	WM	1	SE NW
15 S	15 E	WM	1	NE SW
15 S	15 E	WM	1	NW SW
15 S	15 E	WM	1	SW SW
15 S	15 E	WM	1	SE SW
15 S	15 E	WM	1	NE SE
15 S	15 E	WM	1	NW SE
15 S	15 E	WM	1	SW SE
15 S	15 E	WM	1	SE SE
15 S	15 E	WM	2	NE SW
15 S	15 E	WM	2	SW SW
15 S	15 E	WM	2	SE SW
15 S	15 E	WM	2	NE SE
15 S	15 E	WM	2	NW SE
15 S	15 E	WM	2	SW SE
15 S	15 E	WM	2	SE SE
15 S	15 E	WM	3	NE SW
15 S	15 E	WM	3	NW SW
15 S	15 E	WM	3	SW SW
15 S	15 E	WM	3	SE SW
15 S	15 E	WM	3	NE SE
15 S	15 E	WM	3	NW SE
15 S	15 E	WM	3	SW SE
15 S	15 E	WM	3	SE SE
15 S	15 E	WM	10	NE NE
15 S	15 E	WM	10	SW NE
15 S	15 E	WM	10	SE NE
15 S	15 E	WM	10	SE NW
15 S	15 E	WM	10	NE SW

INDUSTRIAL USE INCLUDING FIRE PROTECTION AND DUST CONTROL				
Typ	Rng	Mer	Sec	Q-Q
15 S	15 E	WM	10	NE SE
15 S	15 E	WM	10	NW SE
15 S	15 E	WM	10	SE SE
15 S	15 E	WM	11	NE NE
15 S	15 E	WM	11	NW NE
15 S	15 E	WM	11	SE NE
15 S	15 E	WM	11	SE NE
15 S	15 E	WM	11	NE NW
15 S	15 E	WM	11	NW NW
15 S	15 E	WM	11	SW NW
15 S	15 E	WM	11	SE NW
15 S	15 E	WM	11	NE SW
15 S	15 E	WM	11	NW SW
15 S	15 E	WM	11	SW SW
15 S	15 E	WM	11	SE SW
15 S	15 E	WM	11	NE SE
15 S	15 E	WM	11	NW SE
15 S	15 E	WM	11	SW SE
15 S	15 E	WM	11	SE SE
15 S	15 E	WM	12	NE NE
15 S	15 E	WM	12	NW NE
15 S	15 E	WM	12	SW NE
15 S	15 E	WM	12	SE NE
15 S	15 E	WM	12	NE NW
15 S	15 E	WM	12	NW NW
15 S	15 E	WM	12	SW NW
15 S	15 E	WM	12	SE NW
15 S	15 E	WM	12	NE SW
15 S	15 E	WM	12	NW SW
15 S	15 E	WM	12	SE SW
15 S	15 E	WM	12	NW SE
15 S	15 E	WM	12	SW SE
15 S	15 E	WM	14	NW NE
15 S	15 E	WM	14	SW NE
15 S	15 E	WM	14	NE NW
15 S	15 E	WM	14	SE NW
15 S	15 E	WM	14	NW SE
15 S	15 E	WM	14	SW SE
15 S	16 E	WM	4	NE NE
15 S	16 E	WM	4	NW NE
15 S	16 E	WM	4	SW NE
15 S	16 E	WM	4	SE NE
15 S	16 E	WM	4	NE NW
15 S	16 E	WM	4	NW NW
15 S	16 E	WM	4	SW NW
15 S	16 E	WM	4	SE NW
15 S	16 E	WM	4	NE SW
15 S	16 E	WM	4	NW SW
15 S	16 E	WM	4	SW SW

INDUSTRIAL USE INCLUDING FIRE PROTECTION AND DUST CONTROL				
Twp	Rng	Mer	Sec	Q-Q
15 S	16 E	WM	4	SE SW
15 S	16 E	WM	5	NE NE
15 S	16 E	WM	5	NW NE
15 S	16 E	WM	5	SW NE
15 S	16 E	WM	5	SE NE
15 S	16 E	WM	5	NE NW
15 S	16 E	WM	5	SW NW
15 S	16 E	WM	5	SE NW
15 S	16 E	WM	5	NE SW
15 S	16 E	WM	5	SW SW
15 S	16 E	WM	5	SE SW
15 S	16 E	WM	5	NE SE
15 S	16 E	WM	5	NW SE
15 S	16 E	WM	5	SW SE
15 S	16 E	WM	5	SE SE
15 S	16 E	WM	6	NE NE
15 S	16 E	WM	6	NW NE
15 S	16 E	WM	6	SE NW
15 S	16 E	WM	6	NE NW
15 S	16 E	WM	6	SW NW
15 S	16 E	WM	6	SE SW
15 S	16 E	WM	6	NE SE
15 S	16 E	WM	6	NW SE
15 S	16 E	WM	6	SE SW
15 S	16 E	WM	6	NE SW
15 S	16 E	WM	6	SW SW
15 S	16 E	WM	6	SE SW
15 S	16 E	WM	6	NE SE
15 S	16 E	WM	7	NE NE
15 S	16 E	WM	7	NW NE
15 S	16 E	WM	7	SW NE
15 S	16 E	WM	7	SE NE
15 S	16 E	WM	7	NE NW
15 S	16 E	WM	7	NW NW
15 S	16 E	WM	7	SW NW
15 S	16 E	WM	7	SE NW
15 S	16 E	WM	7	NE SW
15 S	16 E	WM	7	NW SW
15 S	16 E	WM	7	SW SW
15 S	16 E	WM	7	NE SE
15 S	16 E	WM	7	NW SE
15 S	16 E	WM	8	NW NE
15 S	16 E	WM	8	SW NE
15 S	16 E	WM	8	NE NW
15 S	16 E	WM	8	NW NW

INDUSTRIAL USE INCLUDING FIRE PROTECTION AND DUST CONTROL				
Twp	Rng	Mer	Sec	Q-Q
15 S	16 E	WM	8	SW NW
15 S	16 E	WM	8	SE NW
15 S	16 E	WM	8	NE SW
15 S	16 E	WM	8	NW SW
15 S	16 E	WM	8	SE SW
15 S	16 E	WM	8	NE SE
15 S	16 E	WM	8	NW SE
15 S	16 E	WM	8	SW SE

Permit Amendment Review Criteria

10. The changes would not result in injury to other water rights.
11. The proposed place of use is owned and/or controlled by the permit holder.
12. The changes do not enlarge the permit.
13. The changes do not alter any other terms of the permit.
14. 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-13026 are consistent with the requirements of ORS 537.211.

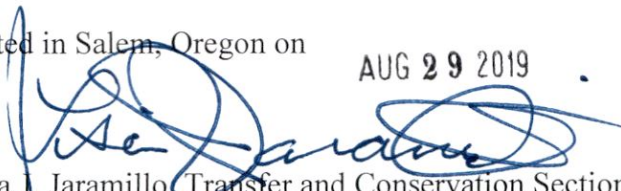
Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-13026 are approved.
2. Permit G-18274, in the name of City of Prineville, is issued to replace Permit G-12541, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-12541, in the name of CITY OF PRINEVILLE, is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation (Yancey Well 2, New Ochoco Heights Well, Juniper Well, and Stryker Park Well), together with that diverted at the old points of appropriation (Clear Pine Well 1, 2, and 3), shall not exceed the quantity of water lawfully available at the original points of appropriation (Clear Pine Well 1, 2, and 3).

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. All other terms and conditions of Permit G-18274 remain the same.

Dated in Salem, Oregon on

AUG 29 2019


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: AUG 30 2019