BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-11084, Baker 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

JASON WILLIAMS, HAY INC. 48857 HWY 30 NORTH POWDER OR 97867

Findings of Fact

Background

Use:

- On June 3, 2010, JASON WILLIAMS, HAY INC. filed an application for additional points of appropriation under Permit G-15732. The Department assigned the application number T-11084.
- 2. The permit to be amended is as follows:

Permit: G-15732 in the name of JASON WILLIAMS, HAY, INC.

SUPPLEMENTAL IRRIGATION ON 273.4 ACRES

Priority Date: APRIL 3, 2003

Quantity: 3.34 CUBIC FEET PER SECOND

Rate/Duty: The amount of water used for irrigation under this right, together with the

amount secured under any other right existing for the same lands, is limited

to a diversion of ONE-EIGHTIETH of one cubic foot per second and

3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: WELLS 2 AND 3 within the POWDER 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
7 S	39 E	WM	3	NW NE	WELL 2 - 28 FEET SOUTH AND 530 FEET EAST FROM THE N¼ CORNER OF SECTION 3
7 S	39 E	WM	3	NW NE	WELL 3 - 32 FEET SOUTH AND 722 FEET EAST FROM THE N¼ CORNER OF SECTION 3

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	2	NW SW	30.0
7 S	39 E	WM	2	SW SW	40.0
7 S	39 E	WM.	3	SW NE	39.0
7 S	39 E	WM	3	SE NE	6.4
7 S	39 E	WM	3	NE SE	40.0
7 S	39 E	WM	3	NW SE	39.0
7 S	39 E	WM	3	SW SE	39.0
7 S	39 E	WM	3	SE SE	40.0

3. Permit Amendment Application T-11084 proposes additional points of appropriation from approximately 1000 feet to 7000 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	39 E	WM	33	NE NE	WELL 2A - 1260 FEET SOUTH AND 1650 FEET EAST FROM THE N¼ CORNER OF SECTION 33
6 S	39 E	WM	33	NW NE	WELL 1A - 660 FEET SOUTH AND 10 FEET EAST FROM THE N¼ CORNER OF SECTION 33
7 S	39 E	WM	3	NW NE	WELL 1 - 3960 FEET NORTH AND 2420 FEET WEST FROM THE SE CORNER OF SECTION 3

4. Notice of the application for the permit amendment was published in the Department's weekly notice on June 15, 2010, and in the Baker City Herald newspaper on July 9, 16, and 23, 2010, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

- The change would not result in injury to other water rights.
- 6. The change does not enlarge the permit.
- 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-11084 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:

- 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.
- Prior to water use from the proposed additional points of appropriation, the permittee shall install a totalizing flow 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.

- Water shall be acquired from the same aquifer as the original points of appropriation.
- All other terms and conditions of Permit G-15732 remain the same.
- Permit G-15732, in the name of JASON WILLIAMS, HAY INC., is amended as described herein.

Mailing Date: