

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

In the Matter of Permit Amendment)	FINAL ORDER
T-11268, Crook County)	APPROVING A CHANGE IN POINTS
)	OF APPROPRIATION AND AN
)	ADDITIONAL POINT 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

HIGH DESERT ESTATES HOMEOWNERS ASSOCIATION INC.
4488 SE JERRY DR
PRINEVILLE OR 97754

Findings of Fact

Background

1. On June 30, 2011, HIGH DESERT ESTATES HOMEOWNERS ASSOCIATION INC. filed an application for an additional point of appropriation and to change the points of appropriation under Permit G-13439. The Department assigned the application number T-11268.
2. On July 11, 2008, the Department approved an assignment of the permit to HIGH DESERT ESTATES HOMEOWNERS ASSOCIATION INC.
3. On March 23, 2010, the Department approved an extension of time for complete application of water to October 1, 2015.
4. Permit Amendment Application T-11268 proposes an additional point of appropriation approximately 2175 feet northeast from Well 1, 900 feet northeast from Well 2, and 1200 feet southeast from Well 3 from the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	21	SW SE	WELL LOT 134 (L-01460) - LAT. 44.25000 N, LONG. -120.81534 W.

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.

5. Permit Amendment Application T-11268 proposes to move the authorized points of appropriation between approximately 150 feet north for Well Lot 163 (formerly Well 1), 2220 feet southeast for Well Lot 139W (formerly Well 2), and 600 feet southeast for Well Lot 139E (formerly Well 3), from the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	16 E	WM	21	SW SW	WELL LOT 163 (L-32000) - LAT. 44.24834 N, LONG. -120.82326 W
15 S	16 E	WM	21	SW SE	WELL LOT 139W (L-94625) - LAT. 44.24746 N, LONG. -120.81435 W.
15 S	16 E	WM	21	SW SE	WELL LOT 139E (L-101170) - LAT. 44.24733 N, LONG. -120.81381 W.

6. Notice of the application for the permit amendment was published in the Department's weekly notice on July 5, 2011, and in the Central Oregonian Newspaper on January 6, 13, and 20, 2012, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

7. The changes would not result in injury to other water rights.
8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation and change in points of appropriation proposed by Permit Amendment Application T-11268 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation and change in points of appropriation proposed by Permit Amendment Application T-11268 are approved.
2. Permit G-16890, in the name of HIGH DESERT ESTATES HOMEOWNERS ASSOCIATION INC. is issued to replace Permit G-13439, and incorporates the amendments approved by this order, the assignment, and the extension of time. Permit G-13439, in the name of HIGH DESERT ESTATES HOMEOWNERS ASSOCIATION INC., is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation (Well Lot 134), 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.

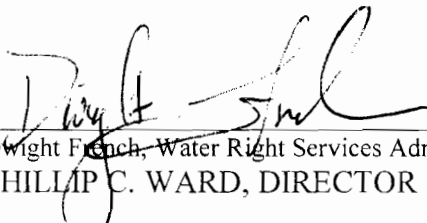
4. The quantity of water diverted at the new points of diversion (Well Lot 163, Well Lot 139W, and Well Lot 139E) shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Prior to water use from the proposed points of appropriation, the permittee shall install a meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order.

The permittee shall allow the watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. All other terms and conditions of Permit G-16890 remain the same.

Dated at Salem, Oregon this 25 day of January, 2012.


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

Mailing Date: _____