

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

In the Matter of Permit Amendment)	DRAFT FINAL ORDER
T-11385, Harney County)	APPROVING A CHANGE IN POINT OF
)	APPROPRIATION AND A CHANGE IN
)	PLACE OF USE

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

GERRIT AND PATRICIA JAGER
6829 NE 41ST ST
REDMOND, OR 97756

Findings of Fact

Background

1. On March 26, 2012, GERRIT AND PATRICIA JAGER filed an application to change the point of appropriation and a portion of the place of use under Permit G-15432. The Department assigned the application number T-11385.
2. On January 12, 2009, the Department approved an partial assignment of the permit to Gerrit A. and Patricia M. Jager.
3. On January 21, 2005, the Department approved a partial assignment of the permit to John D. Simmons and Karen R. Jackson-Simmons and Northwest Farm Credit Services, FCLA.
4. On April 27, 2010, the Department approved an extension of time for complete application of water to October 1, 2014.

5. Permit Amendment Application T-11385 proposes to move the authorized point of appropriation approximately between 2180 and 3440 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	33 E	WM	12	NW NE	WELL 1 - 20 FEET SOUTH AND 1302 FEET EAST FROM THE S¼ CORNER OF SECTION 1
27 S	33 E	WM	12	NE NW	WELL 2 - 9 FEET SOUTH AND 48 FEET WEST FROM THE S¼ CORNER OF SECTION 1

6. Permit Amendment Application T-11385 also proposes to change the place of use of the permit to:

WELL 1						
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	33 E	WM	12	NE NE		35.00
27 S	33 E	WM	12	NW NE		35.00
27 S	34 E	WM	7	NW NW	1	24.57
27 S	34 E	WM	7	SW NW	2	0.43
Total						95.00

WELL 2						
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	33 E	WM	1	NE SW		37.72
27 S	33 E	WM	1	NW SW		2.73
27 S	33 E	WM	1	SW SW		0.07
27 S	33 E	WM	1	SE SW		29.48
Total						70.00

7. Notice of the application for the permit amendment was published in the Department's weekly notice on April 3, 2012, and in the Burns Times Herald newspaper on _____, 2012, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

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

Conclusions of Law

The change in point of appropriation and change in place of use proposed by Permit Amendment Application T-11385 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and change in place of use proposed by Permit Amendment Application T-11385 is approved.
2. Permit G-16916, in the names of GERRIT A. AND PATRICIA M. JAGER, JOHN D. SIMMONS AND KAREN R. JACKSON-SIMMONS, AND NORTHWEST FARM CREDIT SERVICES, FLCA, is issued to replace Permit G-15432, and incorporates the amendments approved by this order, the extension of time, and assignments. Permit G-15432, in the name of ROGER C. AND VIRGINIA A. HAWORTH, is no longer of any force or effect.
3. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Prior to water use from the proposed points of appropriation, the permittee shall install 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 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.

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.

5. Water shall be acquired from the same aquifer as the original point 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-16916 remain the same.

Dated at Salem, Oregon this _____ day of _____, 2012.

DRAFT

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

Mailing Date: _____

DRAFT