

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

In the Matter of Permit Amendment)
T-9630, Clackamas County, Oregon)
)

FINAL ORDER

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

Jack R. Bigej,
1220 North Pacific Highway,
Woodburn, Oregon 97071.

Findings of Fact

1. Jack R. Bigej, filed an application to amend the points of appropriation and add an additional point of appropriation under Permit G-12926. The Department assigned the application number T-9630.
2. The permit to be amended is as follows:

Permit: G-12926, in the name of Jack R. Bigej;
Use: Agricultural use (nursery use) and irrigation;
Priority Date: November 20, 1995;
Quantity: 0.597 cubic foot per second;
Rate/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order other than a 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.

Acres: 23.89 acres;
Source: Two wells, in the Pudding River Basin.
Date Of Complete Application of Water: October 1, 2009.

Authorized Points of Appropriation:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
5	S	1	W	W.M.	1	SW	SW		Well 1 – 900 feet North and 700 feet East of SW Corner of Section 1
5	S	1	W	W.M.	1	SW	SW		Well 2 – 925 feet North and 1025 feet East of SW Corner of Section 1

Authorized Place of Use:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
5	S	1	W	W.M.	1	NW	SW		8.30
5	S	1	W	W.M.	1	SW	SW		15.59

3. Application T-9360 proposes to change the points of appropriation of the permit to:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
5	S	1	W	W.M.	1	SW	SW		Well 1 – 1120 feet North and 585 feet East of SW Corner of Section 1
5	S	1	W	W.M.	1	SW	SW		Well 2 – 940 feet North and 335 feet East of SW Corner of Section 1

4. Application T-9360 proposes an additional point of appropriation located:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
5	S	1	W	W.M.	1	SW	SW		Well 3 – 840 feet North and 733 feet East of SW Corner of Section 1

5. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.

8. The change does not alter all other terms of the permit.

Conclusion of Law

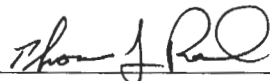
The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-9630 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The changes and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the authorized points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-12926.
2. All terms and conditions of Permit G-12926 shall be applied to the proposed additional point of appropriation (Well 3).
3. The proposed additional point of appropriation (Well 3) shall not exceed 200 feet below land surface.
4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. All other terms and conditions of Permit G-12926 remain the same.
6. Permit G-12926, in the name of Jack R. Bigej, is amended as described herein.

Dated at Salem, Oregon this 24th day of May, 2004.



Paul R. Cleary
Director