BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-11930, Marion County)	APPROVING 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

GARY ROSHAK 21897 CASE RD NE AURORA, OR 97002

Findings of Fact

- 1. On November 7, 2014, Gary Roshak filed an application to change the place of use under Permit G-15678. The Department assigned the application number T-11930.
- 2. On December 26, 2014, the Department approved an extension of time for complete application of water to October 1, 2016.
- 3. Notice of the application for the permit amendment was published in the Department's weekly notice on November 18, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 4. Permit G-15678 describes the point of appropriation as being "660 feet south and 700 feet east from the C1/4 of section 12", however this puts the location in the middle of a road, information is available from the applicant and agent indicating that the point of appropriation is better described as follows:

'	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
	4 S	2 W	WM	12	NW SE	600 FEET SOUTH AND 700 FEET EAST FROM THE C1/4 CORNER OF SECTION 12

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-11930 also proposes to change the place of use of the permit to:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres				
4 S	2 W	WM	12	SW NE	2.20				
4 S	2 W	WM	12	NE SW	0.12				
4 S	2 W	WM	12	NW SE	13.68				

Permit Amendment Review Criteria

- 6. The change would not result in injury to other water rights.
- 7. The proposed place of use is owned and/or controlled by the permit holder.
- 8. The change does not enlarge the permit.
- 9. The change does not alter any other terms of the permit.
- 10. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-11930 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- 1. The change in place of use proposed by Permit Amendment Application T-11930 is approved.
- 2. Permit G-17341, in the name of Gary Roshak, is issued to replace Permit G-15678, and incorporates the amendments approved by this order, and the extension of time. Permit G-15678, in the name of GARY ROSHAK, is no longer of any force or effect.
- 3. The former place of use shall no longer be irrigated as part of this permit.
- 4. All other terms and conditions of Permit G-17341 remain the same.

Dated at Salem, Oregon this _____ day of January, 2015.

Dwight French Water Right Services Division Administrator, for Thomas M Byler, Director Oregon Water Resources Department

Mailing Date: JAN 1 6 2015