# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER
T-12811, Polk County	)	APPROVING ADDITIONAL
	)	POINTS OF APPROPRIATION

### **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

JACK HEMPICINE, LLC ATTN: SETH CRAWFORD 7744 NW MINT AVE. ALBANY, OR 97321

## **Findings of Fact**

- 1. On December 29, 2017, BOB HOLDING CO. LLC filed an application for additional points of appropriation under Permit G-15505. The Department assigned the application number T-12811.
- 2. On November 6, 2017, the Department approved a partial assignment of the permit to Bob Holding Co. LLC, Sol-Sisters Inc., Clay and Rhonda Johnson, and Donald and Sharon Roberts.
- 3. On September 18, 2015, the Department approved an extension of time for complete application of water to October 1, 2025.
- 4. Notice of the application for the permit amendment was published in the Department's weekly notice on January 9, 2018, and in the Albany Democrat-Herald newspaper on December 28, 2019, and January 4, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 5. On June 25, 2019, the Department sent deficiencies for permit amendment application T-12811 to Bob Holding, LLC and Sol-Sisters, Inc., requesting notarized affidavits of consent from each permit holder.
- 6. On July 23, 2019, the Department approved an assignment of the permit to Jack Hempicine LLC., Sol-Sisters Inc., Clay and Rhonda Johnson, and Donald and Sharon Roberts.

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 137-004-0080 and OAR 690-01-0005 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.

- 7. On July 30, 2019, the Department sent deficiencies for permit amendment application T-12811 to Jack Hempicine LLC, Sol-Sisters Inc., Clay and Rhonda Johnson and Donald and Sharon Roberts requesting notarized affidavits of consent from each permit holder.
- 8. On August 21, 2019, the applicant's agent contacted the Department in writing, requesting an additional 90 days to provide the requested consents. The Department responded the same day, extending the deficiencies deadline another 30 days, to September 30, 2019.
- 9. On September 6, 2019, the applicant's agent provided revised tables and map.
- 10. On September 25, 2019, the applicant's agent sent copies of Affidavits of Consent by Permit Holders signed by Sol-Sisters, Inc., Clay and Rhonda Johnson and Donald and Sharon Roberts.
- 11. Permit Amendment Application T-12811 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized point of appropriation in feet (ft.)
8 S	4 W	WM	7	sw sw	WELL 3 – (POLK 375) 540 FEET NORTH AND 1090 FEET EAST FROM THE SW CORNER OF SECTION 7	1601.2 ft.
8 S	4 W	WM	7	SW SW	WELL 5 – (POLK 54245) 835 FEET NORTH AND 1160 FEET EAST FROM THE SW CORNER OF SECTION 7	1873.3 ft.
8 S	4 W	WM	18	NW NW	WELL 1 – (L-65554) 300 FEET SOUTH AND 937 FEET EAST FROM THE NW CORNER OF SECTION 18	754.2 ft.

#### Permit Amendment Review Criteria

- 12. The change would not result in injury to other water rights.
- 13. The change does not enlarge the permit.
- 14. 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-12811 are consistent with the requirements of ORS 537.211.

#### Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed by Permit Amendment Application T-12811 are approved.

- 2. Permit G-18297, in the name of Jack Hempicine LLC, Sol-Sisters, Inc., Clay and Rhonda Johnson, and Donald and Sharon Roberts, is issued to replace Permit G-15505, and incorporates the amendments approved by this order, the extension of time and the assignments. Permit G-15505, in the name of Clay and Rhonda Johnson and Donald and Sharon Roberts, is no longer of any force or effect.
- 3. The combined quantity of water diverted at the new additional points of appropriation (Well 1, Well 3 and Well 5), together with that diverted at the old point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2).
- 4. Water shall be acquired from the same aquifer as the original point of appropriation (Well 2).
- 5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

FEB 1 3 2020

6. All other terms and conditions of Permit G-18297 remain the same.

Dated at Salem, Oregon this

Lisa J. Jaramillo, Transfer and Conservation Section Manager for

THOMAS M. BYEER, DIRECTOR Oregon Water Resources Department

Mailing Date: FEB 1 3 2020