

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

In the Matter of Permit Amendment                    )     FINAL ORDER APPROVING A CHANGE IN  
T-13783, Marion County                                 )     POINT OF APPROPRIATION AND  
  )     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**

KUENZI TURF AND NURSERY  
C/O TYLER KUENZI  
6475 STATE ST.  
SALEM, OR 97301

**Findings of Fact**

1. On July 30, 2021, KUENZI TURF AND NURSERY, C/O TYLER KUENZI filed an application to change the point of appropriation and for additional points of appropriation under Permit G-15191. The Department assigned the application number T-13783.
2. On July 21, 2021, the Department approved an extension of time for complete application of water to October 1, 2026.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on September 7, 2021, and in the Statesman Journal newspaper on March 21 and 28, 2024, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. On March 28, 2022, the Department sent a deficiency letter stating there were some issues identified by the groundwater review that needed to be addressed to be able to move forward with the application.

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.

5. On April 4, 2022, the agent for the applicant revised the application to the Department to address the deficiencies.
6. On May 4, 2023, an assignment to change the name on the Permit G-15191 from Myron Kuenzi to Kuenzi Turf and Nursery was approved.
7. Permit Amendment Application T-13783 proposes to move the authorized point of appropriation of Well 2 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized POA in Miles (mi.)
7 S	2 W	WM	27	SE SW	WELL 2 (MARI 17377) – 725 FEET NORTH AND 1880 FEET EAST FROM THE SW CORNER OF SECTION 27	0.47 mi.

8. Permit Amendment Application T-13783 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Lot	Measured Distances	Approximate Distance from Authorized POAs in Miles (mi.)
7 S	2 W	WM	27	SE SW		2	WELL 6 - 830 FEET NORTH AND 2640 FEET WEST FROM THE NE CORNER OF SECTION 34	0.29 mi. to 0.79 mi.
7 S	2 W	WM	28	SW SE	81		WELL 9 - 625 FEET NORTH AND 1910 FEET WEST FROM THE SE CORNER OF SECTION 28	0.13 mi. to 1.0 mi.

**Permit Amendment Review Criteria**

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

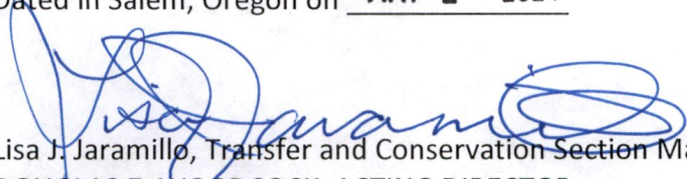
**Conclusions of Law**

The change in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-13783 are consistent with the requirements of ORS 537.211. The changes could cause injury to other groundwater rights.

**Now, therefore, it is ORDERED:**

1. The change in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-13783 are approved.
2. Approval of this permit amendment application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation.
3. Permit G-18904, in the name of KUENZI TURF AND NURSERY C/O TYLER KUENZI, is issued to replace Permit G-15191, and incorporates the amendments approved by this order, the extension of time, and an assignment. Permit G-15191, in the name of MYRON KUENZI, is no longer of any force or effect.
4. The quantity of water diverted at the new point of appropriation (Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2).
5. The combined quantity of water diverted at the new additional points of appropriation (Wells 6 and 9), together with that diverted at the original points of appropriation (Wells 1, 2, 3, 4 and 5), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 2, 3, 4 and 5).
6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. All other terms and conditions of Permit G-18904 remain the same.

Dated in Salem, Oregon on MAY 2 - 2024

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date: MAY 3 - 2024