

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

In the Matter of Permit Amendment)	FINAL ORDER
T-10384, Marion County)	APPROVING AN ADDITIONAL
)	POINT OF APPROPRIATION

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

T & D LAND, LLC
THOMAS FESSLER
14025 DOMINIC ROAD NE
MT. ANGEL, OR 97362

Agent

Don Knauer
PO Box 5416
Salem, OR 97304

Findings of Fact

1. On May 10, 2007, Thomas Fessler of T & D Land, LLC, filed an application to add a point of appropriation under Permit G-13307. The Department assigned the application number T-10384.
2. The permit to be amended is as follows:
Permit: G-13307, in the name of T & D LAND, LLC; THOMAS FESSLER
Use: IRRIGATION OF 165.0 ACRES
Priority Date: MARCH 14, 1997
Quantity: 2.06 CUBIC FEET PER SECOND (CFS)
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated 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. 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.

Source: TWO WELLS (Wells #1 and #2) in the Pudding River Basin

Date of Complete Application of Water: October 1, 2007

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
5 S	2 W	W.M.	25	NW SW	Well 1 – 310 feet South and 700 feet East from the West ¼ corner of Section 25
5 S	2 W	W.M.	25	NE SW	Well 2 – 900 feet South and 2620 feet East from the West ¼ corner of Section 25

Authorized Place of Use:

Twp	Rng	Mer	Sec	¼ ¼	Acres
5 S	2 W	W.M.	25	SW NE	4.1
5 S	2 W	W.M.	25	SW NW	2.0
5 S	2 W	W.M.	25	SE NW	15.2
5 S	2 W	W.M.	25	NE SW	39.7
5 S	2 W	W.M.	25	NW SW	19.5
5 S	2 W	W.M.	25	SE SW	10.8
5 S	2 W	W.M.	25	NE SE	1.0
5 S	2 W	W.M.	25	NW SE	35.5
5 S	2 W	W.M.	25	SW SE	36.5
5 S	2 W	W.M.	36	NW NE	0.7
TOTAL:					165.0

3. Application T-10384 proposes to add a point of appropriation to the permit, located approximately 625 feet northeast from authorized Well 1 and 1700 feet northwest from authorized Well 2, as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Location
5 S	2 W	W.M.	25	SW NW	55	Well 3 – 150 feet North and 1180 feet East from the West ¼ corner of Section 25.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 22, 2007, and in the *Woodburn Independent* newspaper on August 1, 8 and 15, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-10384 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

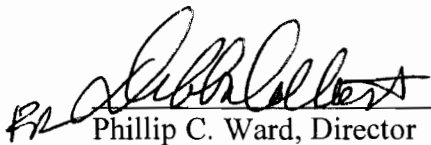
The change and subsequent use of water shall be subject to the following conditions:

1. The additional point of appropriation proposed in Permit Amendment T-10384 is approved.
2. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13307.
3. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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.

4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. All other terms and conditions of Permit G-13307 remain the same.
6. Permit G-13307, in the name of T & D Land, LLC; Thomas Fessler, is amended as described herein.

Dated at Salem, Oregon this 28th day of August, 2007.


Phillip C. Ward, Director

Mailing date: AUG 30 2007

