

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

In the Matter of Permit Amendment) FINAL ORDER
T-12782, Marion County) APPROVING A CHANGE IN 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

BRUCE ERNST
PO BOX 460
SAINT PAUL, OR 97137

Findings of Fact

1. On December 8, 2017, BRUCE ERNST filed an application to change the points of appropriation under Permit G-15861. The Department assigned the application number T-12782.
2. On December 8, 2017, the Department approved an assignment of the permit to BRUCE ERNST.
3. On November 10, 2017, the Department approved an extension of time for complete application of water to October 1, 2022.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on December 26, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. Permit Amendment Application T-12782 proposes to move the authorized points of appropriation approximately 20.0 - 90.0 feet from the existing points of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|-----|-----|-----|-----|-------|-----|---|
| 4 S | 2 W | WM | 4 | SW SE | 70 | WELL 1 - 690 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF DLC 70 |
| 4 S | 2 W | WM | 4 | SW SE | 70 | WELL 2 - 610 FEET SOUTH AND 980 FEET EAST FROM THE NW CORNER OF DLC 70 |

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.

Permit Amendment Review Criteria

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 any other terms of the permit.

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-12782 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation proposed by Permit Amendment Application T-12782 is approved.
2. Permit G-18143, in the name of BRUCE ERNST, is issued to replace Permit G-15861, and incorporates the amendments approved by this order, the extension of time and the assignment. Permit G-15861, in the name of BRUCE AND REGINA ERNST, is no longer of any force or effect.
3. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
4. 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.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-18143 remain the same.

Dated at Salem, Oregon this JAN 02 2019



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

Mailing Date: JAN 03 2019