

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

In the Matter of Permit Amendment)	FINAL ORDER
T-9952, Clackamas County, Oregon)	APPROVING AN ADDITIONAL POINT
)	OF APPROPRIATION

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

Zion Properties LLC
Attn Andy Kauffman
P.O. Box 687
Canby, Oregon 97013

Findings of Fact

1. Zion Properties, LLC, filed an application for an additional point of appropriation under Permit G-15725. The Department assigned the application number T-9952.
2. The permit to be amended is as follows:

Permit:	G-15725, in the name of Zion Properties, LLC
Use:	Nursery use (year round) and irrigation (March 1 to October 31)
Priority Date:	September 29, 2003
Quantity:	0.22 cubic foot per second (cfs), being 0.20 cfs for nursery use and 0.02 cfs for irrigation
Rate/Duty:	The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to one-fortieth of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to one-eightieth of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for nursery use may be made at anytime, during the period of use specified above, that the use is beneficial. For the irrigation of lawn or any other crop, the amount of water diverted is limited to one-eightieth of one

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.

cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Acres: Nursery use on 14.0 acres; Irrigation on 2.0 acres.

Source: Well 1, in the Brandy Creek Basin.

Date Of

Complete

Application of

Water: October 1, 2008

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
4	S	1	W	W.M.	36	SE	SE	1000 feet North and 510 feet West from the SE Corner of Section 36.

Authorized Place of Use:

NURSERY USE								
Township		Range		Meridian	Sec	¼ ¼		Acres
4	S	1	W	W.M.	36	SE	SE	7.6
4	S	1	E	W.M.	31	SW	SW	6.4

IRRIGATION								
Township		Range		Meridian	Sec	¼ ¼		Acres
4	S	1	E	W.M.	31	SW	SW	2.0

3. Application T-9952 proposes an additional point of appropriation located:

Township		Range		Meridian	Sec	¼ ¼		Location
4	S	1	W	W.M.	36	SE	SE	Well 2 – 700 feet North and 510 feet West from the SE Corner of Section 36.

4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
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-9952 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 combined quantity of water diverted at the proposed additional point of appropriation (well), together with that diverted at the authorized point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-15725.
2. 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.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-15725 remain the same.
5. Permit G-15725, in the name of Zion Properties, LLC, is amended as described herein.

Dated at Salem, Oregon this 27th day of March, 2006.

For 
Phillip C. Ward,
Director

Mailing Date: APR 07 2006