BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	
T-8329, Marion County, Oregon)	FINAL ORDER
)	

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

James Kuenzi, 2103 Hibbard Road NE, Silverton, Oregon 97381.

Findings of Fact

- James Kuenzi, filed an application to amend the point of appropriation of Well 2 under Permit G-12918. The Department assigned the application number T-8329.
- The permit to be amended is as follows: 2.

Permit:

G-12918, in the name of James Kuenzi:

Use:

Irrigation;

Priority Date: February 15, 1995;

Quantity:

1.02 cubic feet per second (cfs), being 0.22 cfs from Well 1 and 0.8 cfs

from Well 2:

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.

Acres:

82.0 acres:

Source:

Wells 1 and 2, in the Beaver Creek Basin.

Date Of Complete Application of

Water:

October 1, 2009.

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.

Authorized Points of Appropriation:

Tow	nship	Rai	nge	Meridian	Sec	1/4 1/4		1/4 1/4		1/4 1/4		Lot	DLC	Location
7	s	1	w	W.M.	17	sw	SW SE			Well 1 – 550 feet North and 950 feet East from the S¼ Corner of Section 15				
7	S	1	w	W.M.	17	sw	SE			Well 2 – 330 feet North and 300 feet East from the S¼ Corner of Section 15				

Authorized Place of Use:

Tow	nship	Rai	nge	Meridian	Sec	1/4 1/4		1/4 1/4		Lot	DLC	Acres
7	S	1	W	W.M.	17	NE	SW			6.0		
7	S	1	W	W.M.	17	SE	SW			36.0		
7	S	1	W	W.M.	17	SW	SE			20.0		
7	S	1	W	W.M.	20	NE	NW			20.0		

3. Application T-8329 proposes to change the point of appropriation of Well 2 to:

Township		Range		Meridian	Sec	1/4 1/4	Lot	DLC	Location
7	s	1	w	W.M.	17	SW SE			545 feet North and 950 feet East from the S¼ Corner of Section 17

- 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 all other terms of the permit.

Conclusion of Law

The change in point of appropriation of Well 2 proposed by Permit Amendment Application T-8329 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 quantity of water diverted at the new point of appropriation (well) shall not exceed the maximum rate and duty allowed Well 2 under Permit G-12918.

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-12918 remain the same.
- 5. Permit G-12918, in the name of James Kuenzi, is amended as described herein.

Dated at Salem, Oregon this 12th day of August, 2004.

Phillip C. Ward,
Acting Director