

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

In the Matter of Permit Amendment)	FINAL ORDER
T-11030, Clackamas County)	APPROVING ADDITIONAL POINTS
)	OF APPROPRIATION AND A
)	CHANGE IN PLACE OF USE

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

MHC MT. HOOD VILLAGE
C/O SCOTT R. BROWN
8700 E UNIVERSITY
MESA, AZ 85207

Findings of Fact

Background

1. On March 16, 2010, MHC MT. HOOD VILLAGE filed an application for additional points of appropriation and to change in place of use under Permit G-12941. The Department assigned the application number T-11030.

2. The permit to be amended is as follows:

Permit:	G-12941 in the name of MHC MT. HOOD VILLAGE, LLC
Use:	HUMAN CONSUMPTION ONLY FOR 650 HOUSEHOLDS
Priority Dates:	JUNE 16, 1994 FOR 0.163 CUBIC FOOT PER SECOND (CFS) AND APRIL 13, 1995 FOR 0.015 CFS
Quantity:	0.178 CFS TOTAL, BEING 0.089 CFS FROM WELL NO. 1 AND 0.089 CFS FROM WELL NO. 2
Period of Use:	YEAR ROUND
Source:	TWO WELLS within the SALMON RIVER BASIN

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	7 E	WM	31	SE NW	WELL NO. 1 - 75 FEET SOUTH AND 650 FEET WEST FROM THE C-N 1/16 CORNER OF SECTION 31
2 S	7 E	WM	31	SE NW	WELL NO. 2 - 350 FEET SOUTH AND 600 FEET WEST FROM THE C-N 1/16 CORNER OF SECTION 31

Authorized Place of Use:

HUMAN CONSUMPTION ONLY FOR 650 HOUSEHOLDS					
Twp	Rng	Mer	Sec	Q-Q	
2 S	7 E	WM	31	NW NW	

3. Permit Amendment Application T-11030 proposes two additional points of appropriation approximately 30 to 35 feet from the existing points of appropriation. The proposed additional points of appropriation are located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	7 E	WM	31	SE NW	WELL NO. 1-1 - 87 FEET SOUTH AND 680 FEET WEST FROM THE C-N 1/16 CORNER OF SECTION 31
2 S	7 E	WM	31	SE NW	WELL NO. 2-1 - 336 FEET SOUTH AND 626 FEET WEST FROM THE C-N 1/16 CORNER OF SECTION 31

4. Permit Amendment Application T-11030 also proposes to change the place of use of the permit to:

HUMAN CONSUMPTION ONLY FOR 650 HOUSEHOLDS					
Twp	Rng	Mer	Sec	Q-Q	GLot
2 S	7 E	WM	30	SW SW	
2 S	7 E	WM	30	SE SW	
2 S	7 E	WM	31	NE NW	
2 S	7 E	WM	31	NE NW	
2 S	7 E	WM	31	NW NW	1
2 S	7 E	WM	31	SW NW	2
2 S	7 E	WM	31	SE NW	

5. Notice of the application for the permit amendment was published in the Department's weekly notice on March 23, 2010 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

Permit Amendment Review Criteria

6. The changes would not result in injury to other water rights.
7. The proposed place of use is owned and/or controlled by the permit holder.

8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.
10. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-11030 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:


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

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meters or other suitable measuring devices 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 points of appropriation.
4. All other terms and conditions of Permit G-12941 remain the same.
5. Permit G-12941, in the name of MHC MT. HOOD VILLAGE, LLC, is amended as described herein.

Dated at Salem, Oregon this 17 day of December, 2010.



Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing Date: DEC 21 2010