

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

In the Matter of Permit Amendment) FINAL ORDER
T-13373, Marion County) APPROVING AN ADDITIONAL POINT
) 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

SHAWN AND KIMBERLY SCHURTER
10520 SUNNYVIEW RD NE
SALEM, OR 97317

Findings of Fact

1. On February 20, 2020, SHAWN AND KIMBERLY SCHURTER filed an application for additional point of appropriation under Permit G-18197. The Department assigned the application number T-13373.
2. On September 5, 2007, the Department approved an assignment of the permit to Charles and Rita Mueller.
3. On December 14, 2015, the Department approved an assignment of the permit to Charles and Rita Mueller and Shawn and Kimberly Schurter.
4. On July 15, 2016, the Department approved an extension of time for complete application of water to October 1, 2021.
5. On March 1, 2017, the Department issued a final order, recorded at Special Order Volume 104, page 6, approving a partial assignment and issuance of replacement permits under application T-12497. Permit G-17694 in the names of Shawn and Kimberly Schurter and Permit G-17695 in the names of Charles and Rita Mueller were issued to supersede Permit G-11197.
6. On June 25, 2019, the Department issued a final order, recorded at Special Order Volume 113, page 459, approving a change in point of appropriation under Permit Amendment T-12902. Permit G-18197, in the names of Shawn and Kimberly Schurter was issued to supersede Permit G-17694.

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.

7. Notice of the application for the permit amendment was published in the Department's weekly notice on February 25, 2020, and in the Silverton Appeal-Tribune newspaper on July 15 and 22, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
8. Permit Amendment Application T-13373 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from Authorized Wells in miles (mi.)		
							WELL 1 (MARI 61304)	WELL 2 (MARI 61341)	WELL 3 (MARI 60821)
7 S	1 W	WM	19	SE SE	48	WELL 4 – (MARI 61306) 20 FEET NORTH AND 345 FEET WEST FROM THE SE CORNER OF SECTION 19	0.3 mi.	0.2 mi.	0.2 mi.

Permit Amendment Review Criteria

9. The change would not result in injury to other water rights.
10. The change does not enlarge the permit.
11. The change does not alter any other terms of the permit.

Conclusions of Law

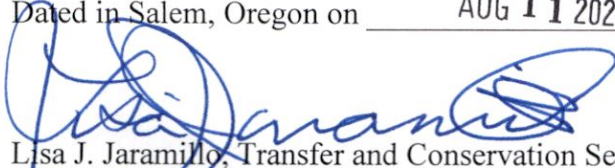
The additional point of appropriation proposed by Permit Amendment Application T-13373 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-13373 is approved.
2. Permit G-18426, in the name of Shawn and Kimberly Schurter, is issued to replace Permit G-18197, and incorporates the amendments approved by this order, the extension of time, and the assignments. Permit G-18197, in the name of Shawn and Kimberly Schurter, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, (Well 4), together with that diverted at the old points of appropriation, (Well 1, Well 2, and well 3), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 1, Well 2, and Well 3).
4. Water shall be acquired from the same aquifer as the original point of appropriation.

5. All other terms and conditions of Permit G-18426 remain the same.

Dated in Salem, Oregon on AUG 11 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: AUG 12 2020