

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12475, 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

RICHARD KRAFT
8644 WARNER DR SE
SALEM OR 97317

Findings of Fact

1. On September 14, 2016, Richard Kraft filed an application for an additional point of appropriation under Permit G-17386. The Department assigned the application number T-12475.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on September 20, 2016, and in the Statesman Journal newspaper on October 13 and 20, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. Permit Amendment Application T-12475 proposes an additional point of appropriation approximately 0.7 mile from the existing point of appropriation. The proposed additional point of appropriation is located:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
7 S	2 W	WM	35	NW SE	5	WELL 2 - 2880 FEET SOUTH AND 1480 FEET WEST FROM THE NE CORNER OF SECTION 35

4. The Department has determined that the proposed well shall be continuously cased and sealed into hard dense basalt at a minimum of approximately 400 feet below land surface in order to produce from the same basalt aquifer as the existing point of appropriation.

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

5. The change, as conditioned, 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-12475, as conditioned, 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-12475 is approved.
2. Permit G-17889, in the name of Richard Kraft, is issued to replace Permit G-17386. Permit G-17386, in the name of Richard Kraft, is no longer of any force or effect.
3. The combined quantity of water diverted at the new additional point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Measurement devices, and recording/reporting of annual water use conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of appropriation. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
5. The proposed additional point of appropriation shall be continuously cased and sealed into hard dense basalt at a minimum of approximately 400 feet below land surface.

6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. All other terms and conditions of Permit G-17889 remain the same.

Dated at Salem, Oregon this 7 day of December, 2017.



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

Mailing Date: DEC 20 2017