

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

In the Matter of Permit Amendment) **FINAL ORDER**
T-11606, Marion County) APPROVING 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 diversion and/or place of use authorized under an existing water right permit.

Applicant

SIDNEY IRRIGATION COOPERATIVE
C/O MIKE PIESKER
PO BOX 736
JEFFERSON, OR 97352

Findings of Fact

Background

1. On June 3, 2013, SIDNEY IRRIGATION COOPERATIVE filed an application to change the place of use under Permit S-53344. The Department assigned the application number T-11606.
2. On October 30, 2009, the Department approved an extension of time for complete application of water to October 1, 2013.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on June 11, 2013 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. On, July 30, 2013, the applicant submitted an amended proposed place of use and amended application maps.

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.

5. Permit Amendment Application T-11606 proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	2 W	WM	30	SE SW	21.60
9 S	2 W	WM	30	SW SE	2.15
9 S	2 W	WM	31	SW NE	12.25
9 S	2 W	WM	31	SE NE	15.50
9 S	2 W	WM	31	SW SW	7.00
9 S	2 W	WM	31	SE SW	1.65
9 S	2 W	WM	31	SE SE	7.00
9 S	2 W	WM	32	SW SW	12.20
9 S	2 W	WM	32	SE SW	12.75
9 S	2 W	WM	32	SW SE	1.75
9 S	2 W	WM	33	NE SW	0.45
9 S	2 W	WM	33	SW SW	0.75
9 S	2 W	WM	33	SE SW	19.30
9 S	2 W	WM	33	SW SE	10.19
9 S	2 W	WM	34	NW NE	1.20
9 S	2 W	WM	34	SW NE	3.40
9 S	2 W	WM	34	NE NW	2.80
9 S	2 W	WM	34	SE NW	2.05
9 S	2 W	WM	34	NE SW	4.30
9 S	2 W	WM	34	NW SE	8.50
9 S	3 W	WM	15	SW SW	0.60
9 S	3 W	WM	16	SW NW	1.30
9 S	3 W	WM	16	SE NW	2.20
9 S	3 W	WM	16	NE SW	13.90
9 S	3 W	WM	16	NW SW	17.95
9 S	3 W	WM	16	SW SW	1.50
9 S	3 W	WM	16	SE SW	3.40
9 S	3 W	WM	16	NE SE	3.30
9 S	3 W	WM	16	NW SE	9.10
9 S	3 W	WM	16	SE SE	13.25
9 S	3 W	WM	17	NW NW	0.40
9 S	3 W	WM	17	SW NW	8.00
9 S	3 W	WM	17	NE SE	0.10
9 S	3 W	WM	17	SW SE	3.80
9 S	3 W	WM	17	SE SE	29.00
9 S	3 W	WM	18	SW NE	0.94
9 S	3 W	WM	18	SE NE	23.37
9 S	3 W	WM	18	SW SW	4.35
9 S	3 W	WM	18	SE SW	27.00
9 S	3 W	WM	18	NW SE	1.04
9 S	3 W	WM	18	SW SE	3.10
9 S	3 W	WM	19	NW NE	11.50
9 S	3 W	WM	19	SE NE	9.00
9 S	3 W	WM	19	NE NW	13.30
9 S	3 W	WM	19	NW NW	0.75
9 S	3 W	WM	19	SE SW	0.80
9 S	3 W	WM	19	NE SE	7.70
9 S	3 W	WM	19	SW SE	3.80

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	3 W	WM	19	SE SE	0.10
9 S	3 W	WM	20	NE NE	16.40
9 S	3 W	WM	20	NW NE	1.40
9 S	3 W	WM	20	SW NW	14.80
9 S	3 W	WM	20	SE NW	2.50
9 S	3 W	WM	20	NE SW	3.80
9 S	3 W	WM	20	NW SW	31.40
9 S	3 W	WM	21	NE NE	38.50
9 S	3 W	WM	21	NW NE	5.75
9 S	3 W	WM	21	SW NE	8.75
9 S	3 W	WM	21	SE NE	9.10
9 S	3 W	WM	21	NW NW	9.10
9 S	3 W	WM	21	SW NW	14.90
9 S	3 W	WM	21	SE NW	9.30
9 S	3 W	WM	21	NE SW	15.40
9 S	3 W	WM	21	NW SW	10.90
9 S	3 W	WM	22	SW NE	30.75
9 S	3 W	WM	22	SE NE	11.05
9 S	3 W	WM	22	NW NW	12.70
9 S	3 W	WM	22	SW NW	0.30
9 S	3 W	WM	22	NE SE	9.20
9 S	3 W	WM	22	NW SE	39.00
9 S	3 W	WM	23	NE SW	8.70
9 S	3 W	WM	23	SE SW	1.70
9 S	3 W	WM	23	NE SE	3.70
9 S	3 W	WM	23	NW SE	24.80
9 S	3 W	WM	23	SW SE	6.60
9 S	3 W	WM	23	SE SE	2.40
9 S	3 W	WM	25	SW NW	0.20
9 S	3 W	WM	25	NE SE	0.60
9 S	3 W	WM	25	NW SE	1.60
9 S	3 W	WM	26	NE NE	11.40
9 S	3 W	WM	26	NW NE	1.00
9 S	3 W	WM	26	SW NE	20.90
9 S	3 W	WM	26	SE NE	26.15
9 S	3 W	WM	26	NE NW	22.40
9 S	3 W	WM	26	SW NW	0.10
9 S	3 W	WM	26	SE NW	8.20
9 S	3 W	WM	26	SW SW	25.50
9 S	3 W	WM	26	SE SW	0.75
9 S	3 W	WM	26	SW SE	1.00
9 S	3 W	WM	27	SE NE	10.90
9 S	3 W	WM	27	NE NW	5.85
9 S	3 W	WM	27	NW NW	4.15
9 S	3 W	WM	27	SW NW	27.20
9 S	3 W	WM	27	SE NW	40.50
9 S	3 W	WM	27	NE SW	21.60
9 S	3 W	WM	27	NW SW	6.60
9 S	3 W	WM	27	NE SE	9.90
9 S	3 W	WM	27	SE SE	1.95

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	3 W	WM	28	SE NE	0.25
9 S	3 W	WM	28	NE SW	3.70
9 S	3 W	WM	28	SE SW	5.00
9 S	3 W	WM	28	NE SE	12.46
9 S	3 W	WM	28	NW SE	5.20
9 S	3 W	WM	28	SW SE	5.55
9 S	3 W	WM	28	SE SE	2.40
9 S	3 W	WM	29	NW NW	4.40
9 S	3 W	WM	29	SW NW	20.10
9 S	3 W	WM	29	NE SW	2.00
9 S	3 W	WM	29	SW SW	19.10
9 S	3 W	WM	29	NW SE	5.90
9 S	3 W	WM	29	SW SE	15.00
9 S	3 W	WM	29	SE SE	3.30
9 S	3 W	WM	30	NE NE	0.40
9 S	3 W	WM	30	NW NE	0.20
9 S	3 W	WM	30	SE NE	4.60
9 S	3 W	WM	30	SE SE	6.50
9 S	3 W	WM	31	NE NE	1.20
9 S	3 W	WM	32	NE NE	4.30
9 S	3 W	WM	32	SE NE	3.65
9 S	3 W	WM	32	NE NW	4.25
9 S	3 W	WM	32	NW NW	6.95
9 S	3 W	WM	33	NW NW	0.15
9 S	3 W	WM	33	SW NW	2.70
9 S	3 W	WM	34	NE NE	0.70
9 S	3 W	WM	34	NW NE	6.80
9 S	3 W	WM	34	SW NE	36.40
9 S	3 W	WM	34	SE NE	0.80
9 S	3 W	WM	34	NE NW	0.10
9 S	3 W	WM	34	SE NW	19.90
9 S	3 W	WM	34	NE SW	5.00
9 S	3 W	WM	34	NE SE	15.75
9 S	3 W	WM	34	NW SE	35.55
9 S	3 W	WM	34	SW SE	1.25
9 S	3 W	WM	34	SE SE	16.95
9 S	3 W	WM	35	NW NE	30.00
9 S	3 W	WM	35	SW NE	35.70
9 S	3 W	WM	35	SE NE	9.10
9 S	3 W	WM	35	NE NW	30.70
9 S	3 W	WM	35	NW NW	18.25
9 S	3 W	WM	35	SW NW	0.25
9 S	3 W	WM	35	SE NW	17.30
9 S	3 W	WM	35	SW SW	6.65
9 S	3 W	WM	36	SW NW	6.90
9 S	3 W	WM	36	NW SW	27.00
9 S	3 W	WM	36	SW SE	0.75
9 S	3 W	WM	36	SE SE	0.30
10 S	2 W	WM	4	NW NE	9.40
10 S	2 W	WM	4	SW NE	1.50

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 W	WM	4	NE NW	36.80
10 S	2 W	WM	4	NW NW	25.00
10 S	2 W	WM	4	SW NW	6.75
10 S	2 W	WM	4	SE NW	4.50
10 S	2 W	WM	5	NW NE	11.20
10 S	2 W	WM	5	NE NW	35.80
10 S	2 W	WM	5	NW NW	25.30
10 S	2 W	WM	5	NE SE	5.30
10 S	2 W	WM	5	NW SE	2.15
10 S	2 W	WM	5	SW SE	1.20
10 S	2 W	WM	5	SE SE	3.40
10 S	2 W	WM	6	NE NE	7.50
10 S	2 W	WM	6	NE NW	4.00
10 S	2 W	WM	6	NW NW	14.20
10 S	2 W	WM	6	SW NW	23.50
10 S	2 W	WM	6	NW SW	14.80
10 S	2 W	WM	6	SW SW	37.35
10 S	2 W	WM	8	NE NE	1.00
10 S	2 W	WM	8	NW NE	0.20
10 S	3 W	WM	1	NE NE	2.55
10 S	3 W	WM	1	NW NE	6.90
10 S	3 W	WM	1	NE NW	8.55
10 S	3 W	WM	1	NW NW	14.75
10 S	3 W	WM	1	SE NW	5.85
10 S	3 W	WM	1	NE SE	9.75
10 S	3 W	WM	1	NW SE	5.80
10 S	3 W	WM	1	SW SE	20.20
10 S	3 W	WM	1	SE SE	31.00
10 S	3 W	WM	2	NW NW	10.75
10 S	3 W	WM	2	SW NW	34.25
10 S	3 W	WM	2	SE NW	11.60
10 S	3 W	WM	2	NE SW	14.00
10 S	3 W	WM	2	NW SW	27.25
10 S	3 W	WM	3	NE NE	45.20
10 S	3 W	WM	3	NW NE	3.60
10 S	3 W	WM	3	SW NE	1.10
10 S	3 W	WM	3	SE NE	14.20
10 S	3 W	WM	12	NE NE	6.20
10 S	3 W	WM	12	NW NE	40.00
10 S	3 W	WM	12	SW NE	4.70
10 S	3 W	WM	12	SE NE	0.50
Total					2003.6

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	3 W	WM	29	NE NE	9.10
9 S	3 W	WM	29	NW NE	23.50
9 S	3 W	WM	29	SW NE	39.40
9 S	3 W	WM	29	SE NE	31.60
9 S	3 W	WM	29	NE NW	33.90
9 S	3 W	WM	29	NW NW	23.70
9 S	3 W	WM	29	SW NW	6.75
9 S	3 W	WM	29	SE NW	30.00
9 S	3 W	WM	29	NE SE	5.50
9 S	3 W	WM	29	NW SE	6.60
9 S	3 W	WM	30	NE NE	0.10
10 S	2 W	WM	5	SW SE	1.00
10 S	2 W	WM	5	SE SE	3.40
10 S	2 W	WM	8	NE NE	11.45
10 S	2 W	WM	8	NW NE	4.00
Total					230.00

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.
7. The proposed place of use is controlled by the permit holder.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.
10. Portions of the proposed place of use are contiguous to the authorized place of use.
11. Portions of the proposed place of use are not contiguous to the authorized place of use in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the Federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency.

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-11606 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-11606 is approved.

2. Permit S-54817, in the name of SIDNEY IRRIGATION COOPERATIVE, is issued to replace Permit S-53344, and incorporates the amendments approved by this order, the extension of time. Permit S-53344, in the name of SIDNEY IRRIGATION COOPERATIVE, is no longer of any force or effect.
3. The former place of use shall no longer be irrigated as part of this permit.
4. All other terms and conditions of Permit S-54817 remain the same.

Dated at Salem, Oregon this 12 day of September, 2013.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: SEP 16 2013