

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

In the Matter of Permit Amendment)
T-12249, Yamhill County)
)
)
)

FINAL ORDER APPROVING A
CHANGE IN 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

CARLTON NURSERY CO. LLC
PO BOX 398
DAYTON, OR. 97114

Findings of Fact

1. On January 19, 2016, Carlton Nursery Co. LLC filed an application to change a point of appropriation under Permit G-16888. The Department assigned the application number T-12249.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on January 26, 2016, and in the McMinnville, News Register newspaper on September 16 and 23rd, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. Permit Amendment Application T-12249 proposes to move the authorized point of appropriation Well 3, with approximate distances in feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from Authorized points of appropriation in feet
5 S	3 W	WM	9	NW SW	REVISED WELL 3- 2120 FEET NORTH AND 700 FEET EAST FROM THE NW CORNER OF DLC 56	Well 1- 2160 FT. NE Well 2- 2262 FT. WEST

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

4. The change would not result in injury to other water rights.
5. The change does not enlarge the permit.
6. The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-12249 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed by Permit Amendment Application T-12249 is approved.
2. Permit G-17653, in the name of CARLTON NURSERY CO. LLC is issued to replace Permit G-16888, and incorporates the amendments approved by this order. Permit G-16888, in the name of Carlton Nursery Company LLC, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point 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.
4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. The former place of use shall no longer be irrigated as part of this permit.
7. All other terms and conditions of Permit G-16888 remain the same.

Dated at Salem, Oregon this 25 day of October, 2016.



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

Mailing Date: NOV 03 2016