

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

In the Matter of Permit Amendment)	FINAL ORDER
T-13051, Clackamas County)	APPROVING CHANGE IN POINTS OF
)	APPROPRIATION, ADDITIONAL
)	POINTS OF APPROPRIATION, AND A
)	CHANGE IN PLACE OF USE

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

EAGLE CREEK GOLF COURSE INC.
c/o JIM BASTASCH
25805 SE DOWRY RD
EAGLE CREEK, OR 97022

Findings of Fact

1. On October 30, 2018, EAGLE CREEK GOLF COURSE INC. c/o JIM BASTASCH, filed an application to change the points of appropriation, add additional points of appropriation and change in place of use under Permit G-11627. The Department assigned the application number T-13051.
2. On March 26, 1996, the Department approved an extension of time for complete application of water to October 1, 1996.
3. On March 13, 1997, the Department approved an extension of time for complete application of water to October 1, 1997.
4. On January 24, 2000, the Department approved an extension of time for complete application of water to October 1, 2007.
5. On October 26, 2018, the Department approved an extension of time for complete application of water to October 1, 2023.
6. Notice of the application for the permit amendment was published in the Department's weekly notice on January 14, 2020, and in the Oregonian newspaper on March 4 and 11, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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. On January 8, 2020, the Department notified the applicant of deficiencies in the application specifically the application did not include a land use form, and clarification of a mailing address and clarification of changes to Permit G-11627.
8. On January 8, 2020 the applicant for the agent responded to the deficiencies by email and clarified the application information.
9. On January 16, 2020, the Department received a Land Use Form from the agent for the applicant satisfying the deficiency.
10. Permit Amendment Application T-13051 proposes to move authorized points of appropriation (Well 1 and Well 2) with approximate distances from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
3 S	3 E	WM	1	NE SE	WELL 1 – 1965 FEET NORTH AND 190 FEET WEST FROM THE SE CORNER OF SECTION 1	Well 1 - 0.1 mile Well 2 - 150 feet Well 3 - 0.2 mile
3 S	3 E	WM	1	SE SE	WELL 2 – 985 FEET NORTH AND 245 FEET WEST FROM THE SE CORNER OF SECTION 1	Well 1 - 0.3 mile Well 2 - 0.2 mile Well 3 - 0.1 mile

11. Permit Amendment Application T-13051 proposes an additional point of appropriation with approximate distances from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
3 S	3 E	WM	1	SE SE	WELL 4 - 70 FEET NORTH AND 40 FEET WEST FROM THE SE CORNER OF SECTION 1	Well 1 - 0.4 mile Well 2 - 0.4 mile Well 3 - 0.2 mile

12. Permit Amendment Application T-13051 also proposes to change the place of use of the permit to:

RECREATION				
Twp	Rng	Mer	Sec	Q-Q
3 S	3 E	WM	1	SE NE
3 S	4 E	WM	6	SW NW
3 S	4 E	WM	6	NW SW

COMMERCIAL AND RECREATION				
Twp	Rng	Mer	Sec	Q-Q
3 S	3 E	WM	1	NE SE

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	3 E	WM	36	SW SE	5.0
2 S	3 E	WM	36	SE SE	10.4
2 S	4 E	WM	31	SW SW	2.5
3 S	3 E	WM	1	NE NE	17.5
3 S	3 E	WM	1	NW NE	4.3
3 S	3 E	WM	1	SW NE	10.8
3 S	3 E	WM	1	SE NE	26.9
3 S	3 E	WM	1	SE NW	0.4
3 S	3 E	WM	1	NE SE	16.0
3 S	3 E	WM	1	NW SE	4.5
3 S	3 E	WM	1	SE SE	6.9
3 S	3 E	WM	12	NE NE	0.9
3 S	4 E	WM	6	NW NW	6.3
3 S	4 E	WM	6	SW NW	3.2
3 S	4 E	WM	6	NE SW	5.7
3 S	4 E	WM	6	NW SW	4.3
3 S	4 E	WM	6	SW SW	36.0
3 S	4 E	WM	6	SE SW	37.1
3 S	4 E	WM	6	NW SE	6.2
3 S	4 E	WM	6	SW SE	17.0
3 S	4 E	WM	7	NE NW	1.9
3 S	4 E	WM	7	NW NW	10.2
Total					234.0

Permit Amendment Review Criteria

- 13. The changes would not result in injury to other water rights.
- 14. The proposed place of use is owned and/or controlled by the permit holder.
- 15. The changes do not enlarge the permit.
- 16. The changes do not alter any other terms of the permit.
- 17. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The changes in points of appropriation, an additional point of appropriation and change in place of use proposed by Permit Amendment Application T-13051 is consistent with the requirements of ORS 537.211.

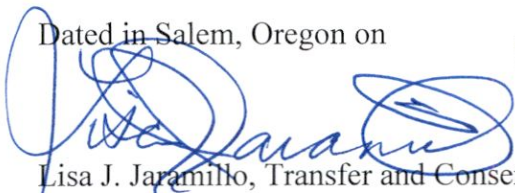
Now, therefore, it is ORDERED:

- 1. The change in points of appropriation, an additional point of appropriation and change in place of use proposed by Permit Amendment Application T-13051 are approved.

2. Permit G-18363, in the name of EAGLE CREEK GOLF COURSE, INC., is issued to replace Permit G-11627, and incorporates the amendments approved by this order, and the extensions of time. Permit G-11627, in the name of EAGLE CREEK GOLF COURSE INC., is no longer of any force or effect.
3. The quantity of water diverted at the new points of appropriation (WELL 1 and WELL 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL 1, WELL 2 and WELL 3).
4. The combined quantity of water diverted at the new points of appropriation (WELL 4), together with that diverted at the old point 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).
5. 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 new point of appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
 - 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.
6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.
8. All other terms and conditions of Permit G-18363 remain the same.

Dated in Salem, Oregon on

MAR 26 2020



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

Mailing Date:

MAR 27 2020