

3. Application T-8508 proposes to add a point of appropriation under the permit as follows:

Township		Range		Meridian	Sec	¼ ¼		Location
11	S	3	W	W.M.	33	NE	SW	77.6 feet south and 3144.5 feet west from the E ¼ corner of Section 33

4. Notice of the application for permit amendment was published on May 9, 2000, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. A Department staff hydrogeologist determined on May 9, 2002, that the proposed additional point of appropriation (well) does not appropriate water from the same ground water source (ground water aquifer) as the authorized well under Permit G-12811 and that allowing the use of ground water from the proposed additional well would greatly increase the impact on nearby shallow wells and increase the potential for substantial interference with nearby surface water streams, resulting in injury to other water rights.
6. Due to the injury issue described in Finding #5, the Department mailed a draft final order to the applicant on May 5, 2006, proposing to reject Permit Amendment Application T-8508. The draft final order set forth a deadline in which the applicant could respond.
7. In response to the draft final order, the applicant submitted additional water level data that was collected as part of a water quality monitoring program from wells completed at various depths. The water levels showed very similar trends, independent of well depths.
8. In light of the additional information described in Finding #7, the Department's hydrogeologist re-reviewed Permit Amendment Application T-8508 on October 9, 2006, and found that the proposed additional point of appropriation develops water from the same aquifer as the existing authorized well under Permit G-12811.
9. Because of the Department's revised determination described in Finding #8, the proposed 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 change in point of appropriation proposed by Permit Amendment Application T-8508 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-12811.

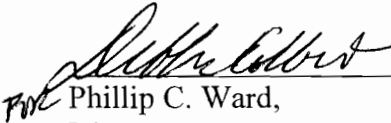
2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-12811 remain the same.
5. Permit G-12811, in the name of Selmet, Inc., is amended as described herein.

Dated at Salem, Oregon this 20th day of November, 2006.



Phillip C. Ward,
Director

Mailing Date: OCT 23 2006