

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

In the Matter of Permit Amendment) **FINAL ORDER**
T-10313, Marion County) APPROVING A CHANGE IN POINTS
) OF APPROPRIATION

Authority

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

Pohlschneider Farms, Inc.
17904 French Prairie Road
Saint Paul, Oregon 97137

Findings of Fact

1. On February 8, 2007, Pohlschneider Farms, Inc. filed an application to amend the points of appropriation under Permit G-16132. The Department assigned the application number T-10313.
2. On May 13, 2008, the applicant's agent submitted a revised permit amendment application map amending the location of the proposed points of appropriation.
3. The permit to be amended is as follows:

Permit: G-16132, in the name of Pohlschneider Farms, Inc.
Use: Nursery use on 490.0 acres
Priority Date: February 6, 2006
Quantity: 5.0 cubic feet per second (cfs)
Rate/Duty: The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is

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.

beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Source: Two wells, in the Champoeg Creek Basin

Date of Complete Application of Water: October 1, 2011

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	32	NE SW	69	Well 1 - 1840 feet North and 2240 feet East from the SW Corner of Section 32
4 S	2 W	WM	32	SW NE	69	Well 2 - 3140 feet North and 2780 feet East from the SW Corner of Section 32

Authorized Place of Use:

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	31	NE SE	69	4.7
4 S	2 W	WM	32	SW NE	69	27.0
4 S	2 W	WM	32	SE NE	69	26.3
4 S	2 W	WM	32	SW NW	69	22.5
4 S	2 W	WM	32	SE NW	69	26.7
4 S	2 W	WM	32	NE SW	69	40.0
4 S	2 W	WM	32	NW SW	69	38.0
4 S	2 W	WM	32	NE SE	69	40.0
4 S	2 W	WM	32	NW SE	69	40.0
4 S	2 W	WM	33	SW NE	69	24.6
4 S	2 W	WM	33	SE NE	69	14.2
4 S	2 W	WM	33	SW NW	69	26.1
4 S	2 W	WM	33	SE NW	69	25.1
4 S	2 W	WM	33	NE SW	69	36.3
4 S	2 W	WM	33	NW SW	69	39.4
4 S	2 W	WM	33	NE SE	69	28.9
4 S	2 W	WM	33	NW SE	69	30.2
Total						490.0

4. Application T-10313 proposes to change the points of appropriation of the permit to:

Township		Range		Meridian	Sec	¼ ¼	DLC	Location
4	S	2	W	W.M.	32	NE SW	69	Well 1 – 2430 feet North and 2460 feet East from the SW Corner of Section 32
4	S	2	W	W.M.	32	NE SW	69	Well 2 – 1350 feet North and 2140 feet East from the SW Corner of Section 32

5. The applicant submitted information that more correctly describes the allocation of acres of the authorized place of use within Deeded Land Claims as being:

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	31	NE SE	55	2.2
4 S	2 W	WM	31	NE SE	69	2.5
4 S	2 W	WM	32	SW NE	69	27.0
4 S	2 W	WM	32	SE NE	69	26.3
4 S	2 W	WM	32	SW NW	69	22.5
4 S	2 W	WM	32	SE NW	69	26.7
4 S	2 W	WM	32	NE SW	55	12.3
4 S	2 W	WM	32	NE SW	69	27.7
4 S	2 W	WM	32	NW SW	55	11.9
4 S	2 W	WM	32	NW SW	69	26.1
4 S	2 W	WM	32	NE SE	55	12.8
4 S	2 W	WM	32	NE SE	69	27.2
4 S	2 W	WM	32	NW SE	55	12.6
4 S	2 W	WM	32	NW SE	69	27.4
4 S	2 W	WM	33	SW NE	69	24.6
4 S	2 W	WM	33	SE NE	69	14.2
4 S	2 W	WM	33	SW NW	69	26.1
4 S	2 W	WM	33	SE NW	69	25.1
4 S	2 W	WM	33	NE SW	55	13.2
4 S	2 W	WM	33	NE SW	69	23.1
4 S	2 W	WM	33	NW SW	55	12.4
4 S	2 W	WM	33	NW SW	69	27.0
4 S	2 W	WM	33	NE SE	55	8.6
4 S	2 W	WM	33	NE SE	69	20.3
4 S	2 W	WM	33	NW SE	55	10.9
4 S	2 W	WM	33	NW SE	69	19.3
Total						490.0

6. Notice of the application for the permit amendment was published in the Department's weekly notice on February 20, 2007 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-10313 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 points of appropriation (wells), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-16132.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded 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.

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

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-16132 remain the same.
5. Permit G-16132, in the name of Pohlschneider Farms, Inc., is amended as described herein.

Dated at Salem, Oregon this 9th day of July, 2008.


Phillip C. Ward, *PCW*
Director

Mailing Date: JUL 11 2008