

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

In the Matter of Permit Amendment) **FINAL ORDER**
 T-11213, Clatsop County) APPROVING ADDITIONAL 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

OREGON MILITARY DEPARTMENT
 P.O. BOX 14350
 SALEM, OR 97309-5047

Findings of Fact

Background

1. On March 21, 2011, OREGON MILITARY DEPARTMENT filed an application for additional points of appropriation under Permit G-16125. The Department assigned the application number T-11213.
2. On May 5, 2011, the agent for the applicant revised the permit amendment application to include a change in points of appropriation.
3. The permit to be amended is as follows:

Permit: G-16125 in the name of OREGON MILITARY DEPARTMENT
Use: QUASI-MUNICIPAL USE
Priority Date: AUGUST 23, 2005
Maximum
Rates:

NOV 1 THROUGH JUNE 30:	0.668 CUBIC FOOT PER SECOND (CFS)
JULY 1 THROUGH 31:	0.443 CFS
AUG 1 THROUGH 30:	0.289 CFS
SEPT 1 THROUGH 30:	0.41 CFS
OCT 1 THROUGH 31:	0.485 CFS

Period of Use: YEAR ROUND
Source: WELLS 1 AND 2 within the NEACOXIE CREEK BASIN

<p>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.</p>

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 N	10 W	WM	5	SE NE	WELL 1 - 1320 FEET SOUTH AND 590 FEET WEST FROM THE NE CORNER OF SECTION 5
7 N	10 W	WM	5	SE NE	WELL 2 - 1450 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

QUASI-MUNICIPAL USE					
Twp	Rng	Mer	Sec	Q-Q	
7 N	10 W	WM	4	NW NE	
7 N	10 W	WM	4	SW NE	
7 N	10 W	WM	4	NE NW	
7 N	10 W	WM	4	NW NW	
7 N	10 W	WM	4	SW NW	
7 N	10 W	WM	4	SE NW	
7 N	10 W	WM	4	NE SW	
7 N	10 W	WM	4	NW SW	
7 N	10 W	WM	4	SW SW	
7 N	10 W	WM	4	SE SW	
7 N	10 W	WM	4	NW SE	
7 N	10 W	WM	4	SW SE	
7 N	10 W	WM	5	NE NE	
7 N	10 W	WM	5	NW NE	
7 N	10 W	WM	5	SW NE	
7 N	10 W	WM	5	SE NE	
7 N	10 W	WM	5	NE SE	
7 N	10 W	WM	5	SE SE	
7 N	10 W	WM	8	NE NE	
7 N	10 W	WM	9	NW NE	
7 N	10 W	WM	9	NE NW	
7 N	10 W	WM	9	NW NW	
8 N	10 W	WM	32	SW SE	
8 N	10 W	WM	32	SE SE	
8 N	10 W	WM	33	SW SW	
8 N	10 W	WM	33	SE SW	

4. Permit Amendment Application T-11213 proposes to move the authorized points of appropriation, approximately 95 feet for Well 1 and 530 feet for Well 2, from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 N	10 W	WM	5	SE NE	WELL 1 - 1320 FEET SOUTH AND 685 FEET WEST FROM THE NE CORNER OF SECTION 5
7 N	10 W	WM	5	NE NE	WELL 2 - 920 FEET SOUTH AND 680 FEET WEST FROM THE NE CORNER OF SECTION 5

5. Permit Amendment Application T-11213 proposes additional points of appropriation approximately between 750 and 1900 feet from the existing points of appropriation. The proposed additional points of appropriation are located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 N	10 W	WM	5	NE NE	WELL 3 - 530 FEET SOUTH AND 750 FEET WEST FROM THE NE CORNER OF SECTION 5
7 N	10 W	WM	5	NE NE	WELL 4 - 155 FEET NORTH AND 890 FEET WEST FROM THE NE CORNER OF SECTION 5
8 N	10 W	WM	32	SE SE	WELL 5 - 215 FEET NORTH AND 1050 FEET WEST FROM THE SE CORNER OF SECTION 32
8 N	10 W	WM	32	SE SE	WELL 6 - 615 FEET NORTH AND 1070 FEET WEST FROM THE SE CORNER OF SECTION 32

6. Notice of the application for the permit amendment was published in the Department's weekly notice on March 29, 2011, and in the Daily Astorian newspaper on May 17, 24, and 31, 2011, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

- 7. The changes would not result in injury to other water rights.
- 8. The changes do not enlarge the permit.
- 9. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in points of appropriation and additional points of appropriation proposed by Permit Amendment Application T-11213 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

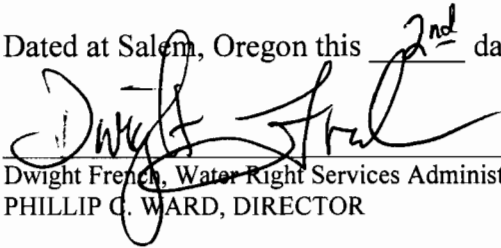
The change and subsequent use of water shall be subject to the following conditions:

- 1. The combined quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
- 2. Prior to water use from the proposed points of appropriation, the permittee shall install a totalizing flow meter, or multiple totalizing flow meters if necessary to measure the entire rate and volume of water appropriated. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee 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 meters; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

3. Water shall be acquired from the same unconsolidated sand aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-16125 remain the same.
5. Permit G-16125, in the name of OREGON MILITARY DEPARTMENT, is amended as described herein.

Dated at Salem, Oregon this 2nd day of June, 2011.



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

Mailing Date: **JUN 03 2011**