

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING A
T-13553, Clackamas County) 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

PLEASANT VALLEY DEVELOPMENT, LLC
JOE SCHIEWE
PO BOX 61426
VANCOUVER, WA 98666

Findings of Fact

1. On November 19, 2020, PLEASANT VALLEY DEVELOPMENT, LLC / JOE SCHIEWE filed an application to change in place of use under Permit G-18213. The Department assigned the application number T-13553. The proposed use is located in the Damascus Groundwater Limited Area.
2. On December 18 1996, the Department issued Permit G-13051.
3. On June 28, 2002, the Department issued superseding Permit G-15081.
4. On October 31, 2002, the applicant submitted a Final Proof Survey and Claim of Beneficial Use.
5. On November 1, 2004, the Department issued superseding Permit G-15767.
6. On December 4, 2009, the Department issued superseding Permit G-16622.
7. On March 17, 2020, the Department issued superseding Permit G-18213.
8. On June 29, 2020 the Department approved an assignment of the permit to Pleasant Valley Development, LLC / Joe Schiewe.

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.

9. Notice of the application for the permit amendment was published in the Department's weekly notice on November 24, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
10. Permit Amendment Application T-13553 proposes to change and reduce the place of use of the permit to:

IRRIGATION AND AGRICULTURAL USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 E	WM	6	NE NW	1.04
1 S	3 E	WM	6	NW NW	0.22
1 S	3 E	WM	31	NE SW	0.94
1 S	3 E	WM	31	NW SW	4.89
1 S	3 E	WM	31	SW SW	3.05
1 S	3 E	WM	31	SE SW	16.48
1 S	3 E	WM	31	SW SE	0.13
				Total	26.75

11. Due to the reduction of acreage the maximum rate will be reduced to 0.32 cubic foot per second.

Permit Amendment Review Criteria

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

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-13553 is consistent with the requirements of ORS 537.211.

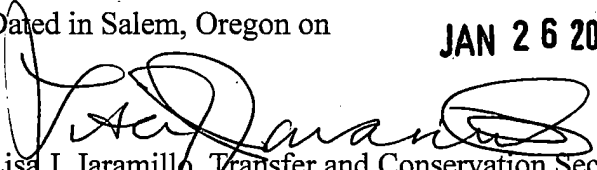
Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-13553 is approved.
2. Permit G-18738, in the name of PLEASANT VALLEY DEVELOPMENT, LLC / JOE SCHIEWE, is issued to replace Permit G-18213, and incorporates the amendments approved by this order, and the assignment. Permit G-18213, in the name of PLEASANT VALLEY DEVELOPMENT LLC, is no longer of any force or effect.
3. The former place of use shall no longer be irrigated as part of this permit.

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.
 - 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. All other terms and conditions of Permit G-18738 remain the same.

Dated in Salem, Oregon on

JAN 26 2022


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

Mailing Date:

JAN 27 2022