

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

In the Matter of Permit Amendment	)	<b>FINAL ORDER</b>
T-10112, Yamhill County, Oregon	)	APPROVING A CHANGE IN POINT OF
	)	DIVERSION AND A CHANGE IN
		PLACE OF USE

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

**Applicant**

Steve Black, Trustee for Black Family Trust  
4350 La Jolla Village Drive, 7<sup>th</sup> Floor  
San Diego, Oregon 92122

**Findings of Fact**

1. Steve Black, Trustee for Black Family Trust, filed an application to change the point of diversion and place of use under Permit R-14222 and to change the place of use of a portion of Permit R-14236. The Department assigned the application number T-10112.

2. The first permit to be amended is as follows:

**Permit:** R-14222, in the name of Steve Black and Black Family Trust;

**Use:** Storage for multiple purposes

**Priority Date:** July 5, 2005

**Storage**

**Facility:** East Black Pond

**Quantity:** 15.0 acre-feet

**Source:** Unnamed stream, a tributary of Stag Hollow Creek.

**Date Of**

**Complete**

**Application of**

**Water:** October 1, 2010

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.

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Location
3	S	4	W	W.M.	12	SW	NW	2350 feet South from the West 1/16 Corner between Section 12 and Section 1.

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	
3	S	4	W	W.M.	12	SW	NW
3	S	4	W	W.M.	12	SE	NW

3. Application T-10112 proposes to change the place of use of stored water under Permit R-14222 to:

Township		Range		Meridian	Sec	¼ ¼	
3	S	4	W	W.M.	12	NE	SW
3	S	4	W	W.M.	12	NW	SW

4. Application T-10112 proposes to change the point of diversion of Permit R-14222 to:

Township		Range		Meridian	Sec	¼ ¼		Location
3	S	4	W	W.M.	12	NW	SW	2900 feet South of the NW Corner of Section 12.

5. The portion of the second permit to be amended is as follows:

**Permit:** R-14236, in the name of Steve Black and Black Family Trust;

**Use:** Storage for multiple purposes

**Priority Date:** July 5, 2005

**Storage**

**Facility:** West Black Pond

**Quantity:** 5.0 acre-feet

**Source:** Unnamed stream, a tributary of Stag Hollow Creek.

**Date Of Complete**

**Application of**

**Water:** October 1, 2010

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Location
3	S	4	W	W.M.	11	NE	SE	2900 feet South from the NW Corner of Section 12.

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	
3	S	4	W	W.M.	11	NE	SE

6. Application T-10112 proposes to change the place of use of 5.0 acre-feet of stored water under Permit R-14222 to:

Township		Range		Meridian	Sec	¼ ¼	
3	S	4	W	W.M.	12	NE	SW
3	S	4	W	W.M.	12	NW	SW

- 7. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 8. The change would not result in injury to other water rights.
- 9. The proposed place of use is owned and/or controlled by the permit holder.
- 10. The change does not enlarge the permits.
- 11. The change does not alter any other terms of the permits.
- 12. The proposed place of use is contiguous to the authorized places of use.

**Conclusion of Law**

The change in point of diversion and place of use proposed by Permit Amendment Application T - 10112 is consistent with the requirements of ORS 537.211.

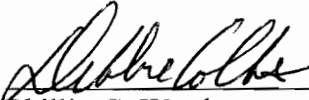
**Now, therefore, it is ORDERED:**

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

- 1. The quantity of water diverted at the new point of diversion for Permit R-14222 shall not exceed the quantity of water lawfully available at the original point of diversion.
- 2. Water shall be acquired from the same surface water source as the original point of diversion.
- 3. The maximum height of the dam (if a dam is constructed) at the proposed place of use shall not exceed 10.0 feet.
- 4. All other terms and conditions of Permits R-14222 and R-14236 remain the same.

5. Permits R-14222 and R-14236, in the name of Steve Black and Black Family Trust, are amended as described herein.

Dated at Salem, Oregon this 30<sup>th</sup> day of June, 2006.

*for*   
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Phillip C. Ward,  
Director

Mailing Date: JUL 13 2006