

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

In the Matter of Permit Amendment                     )  
T-12202, Yamhill County                             )     **FINAL ORDER**  
   )     **APPROVING A CHANGE IN POINT**  
   )     **OF APPROPRIATION**

**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**

CITY OF NEWBERG  
ATTN: PAUL CHIU  
PO BOX 970  
NEWBERG, OR 97132

**Findings of Fact**

1. On November 16, 2015, the CITY OF NEWBERG filed an application to change the point of appropriation under Permit G-13876. The Department assigned the application number T-12202.
2. On December 8, 2006, the Department approved an extension of time for complete application of water to October 1, 2055.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on November 24, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. Permit Amendment Application T-12202 proposes to move the authorized point of appropriation approximately 256 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	2 W	WM	29	NE SW	WELL 9 - 120 FEET SOUTH AND 2100 FEET EAST FROM THE W <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 29

**Permit Amendment Review Criteria**

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.

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.

7. 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-12202 is consistent with the requirements of ORS 537.211.

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

1. The change in point of appropriation proposed by Permit Amendment Application T-12202 is approved.
2. Permit G-17583, in the name of CITY OF NEWBERG, is issued to replace Permit G-13876, and incorporates the amendment approved by this order, the extension of time, and the Water Management and Conservation Plan. Permit G-13876, in the name of CITY OF NEWBERG, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
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 new point of appropriation.
  - b. The water user shall maintain the meter or measuring device in good working order.
  - c. The water user 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.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-17583 remain the same.

Dated at Salem, Oregon this 5 day of May, 2016.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing Date: MAY 06 2016