BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER APPROVING A CHANGE IN
T-13985, Clackamas County)	POINT OF APPROPRIATION AND AN
)	ADDITIONAL 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

BRENDON AND HEATHER SCHLOE 1287 N FIR ST CANBY, OR 97013 hschloe@dahlias.com

Findings of Fact

- 1. On April 11, 2022, BRENDON AND HEATHER SCHLOE filed an application to change the point of appropriation and for an additional point of appropriation under Permit G-17492. The Department assigned the application number T-13985.
- 2. On January 8, 2022, the Department approved an extension of time for complete application of water to October 1, 2025.
- 3. On April 21, 2022, the Department approved an assignment of the permit from Kathleen Cutsforth to Brendon and Heather Schloe.
- 4. Notice of the application for the permit amendment was published in the Department's weekly notice on April 26, 2022.
- 5. On January 23, 2023, the Department notified the applicant and agent via email and usps of a deficiency in the application, specifically the application proposed a "redescription" of the authorized point of appropriation. The department recognizes this proposed "redescription" of the point of appropriation as a change in point of appropriation. The department requested the applicant amend the application to include a change in point of appropriation and submit additional fees to the department for the change.

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.

- 6. On February 1, 2023, the Department received the additional fees required for the change in appropriation as well as the amended pages satisfying the deficiency.
- 7. Permit Amendment Application T-13985 proposes to move the original point of appropriation approximately 450.9 feet as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 F	WM	21	SE SW	WELL 1 - 490 FEET NORTH AND 1790 FEET EAST
33	1 -	VVIVI	21		FROM THE SW CORNER OF SECTION 21

8. Permit Amendment Application T-13985 proposes to add an additional point of appropriation approximately 469.4 feet from the original point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	21	SE SW	WELL 2 - 635 FEET NORTH AND 1460 FEET EAST FROM THE SW CORNER OF SECTION 21

Permit Amendment Review Criteria

- 9. The change would not result in injury to other water rights.
- 10. The change does not enlarge the permit.
- 11. The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-13985 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- 1. The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-13985 are approved.
- 2. Permit G-18834, in the name of BRENDON AND HEATHER SCHLOE, is issued to replace Permit G-17492, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-17492, in the name of KATHLEEN CUTSFORTH, is no longer of any force or effect.
- 3. The quantity of water diverted at the new point of appropriation (Well 1) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
- 4. The combined quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).

- 5. Water shall be acquired from the same aquifer as the original point of appropriation.
- 6. All other terms and conditions of Permit G-18834 remain the same.

Dated in Salem, Oregon on MAY 2 5 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

Mailing Date: MAY 2 6 2023