

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

In the Matter of Permit Amendment) **FINAL ORDER APPROVING**
T-11970, Polk County) **CHANGES IN THE POINTS**
) **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

RICKREALL COMMUNITY WATER ASSOCIATION
PO BOX 44
RICKREALL, OR 97371

Findings of Fact

1. On January 23, 2015, RICKREALL COMMUNITY WATER ASSOCIATION filed an application to change the points of appropriation under Permit G-11288. The Department assigned the application number T-11970.
2. On May 26, 1995, the Department approved an extension of time for complete application of water to October 1, 1999 as evidenced in Special Order Volume 49, Page 200.
3. On September 20, 2007, the Department approved an extension of time for complete application of water to October 1, 2046. The Order set a development limitation and required submittal of a Water Management and Conservation plan by September 20, 2010.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on February 3, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. On June 4, 2015, the Department contacted the Applicant regarding the location of the authorized points of appropriation, and clarification of the requested changes.
6. On June 24, 2015, the Applicant provided amended application pages and a map describing the points of appropriation and clarifying the requested changes.

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. Permit Amendment Application T-11970 proposes changes in points of appropriation to include two points of appropriation with approximate distances from the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance	Distance from Authorized Wells	
						Well #	Measurement in feet
7 S	4 W	WM	35	NW SW	HIGHWAY WELL 1: 1855 FEET NORTH AND 210 FEET EAST FROM THE SW CORNER OF SECTION 35	Orchard well 2	490
						Rankin well 4	700
7 S	4 W	WM	35	NW SW	HIGHWAY WELL 2: 1890 FEET NORTH AND 220 FEET EAST FROM THE SW CORNER OF SECTION 35	Orchard well 2	490
						Rankin well 4	700

Permit Amendment Review Criteria

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

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-11970 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- 1. The change in points of appropriation proposed by Permit Amendment Application T-11970 are approved.
- 2. Permit G-17497, in the name of Rickreall Water Association, is issued to replace Permit G-11288, and incorporates the amendments approved by this order and two extensions of time, and the Water Management and Conservation Plan. Permit G-11288, in the name of Rickreall Water Association, is no longer of any force or effect.
- 3. 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.
- 4. Water shall be acquired from the same aquifer as the original points of appropriation.
- 5. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

The permittee 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.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic

schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. All other terms and conditions of Permit G-11288 remain the same.

Dated at Salem, Oregon this 3 day of December, 2015.



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

Mailing Date: DEC 04 2015