BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-12902, Marion County)	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

SHAWN AND KIMBERLY SCHURTER 10520 SUNNYVIEW RD NE **SALEM, OR 97317**

Findings of Fact

- 1. On April 17, 2018, SHAWN AND KIMBERLY SCHURTER filed an application to change the point of appropriation under Permit G-17694. The Department assigned the application number T-12902.
- On September 4, 2007, the Department approved an assignment of Permit G-11197 from Richard Kuenzi to Charles and Rita Mueller.
- 3. On December 11, 2015, the Department approved an assignment of Permit G-11197 from Richard Kuenzi to Shawn and Kimberly Schurter.
- On July 15, 2016, the Department approved an extension of time for Permit G-11197 for complete application of water to October 1, 2021.
- 5. On March 1, 2017, the Department issued a final order located at Special Order Volume 104, page 6 - 12, approving a partial assignment and replacement permits for Permit G-11197. Permit G-17694 in the names of Shawn and Kimberly Schurter, and Permit G-17695 in the names of Charles and Rita Mueller were issued to supersede Permit G-11197.
- Notice of the application for the permit amendment was published in the Department's weekly notice on April 24, 2018, and in the Silverton Appeal newspaper on May 15 and 22, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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-12902 proposes to move the authorized point of appropriation, with approximate distances for the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Authorized Well
7 S	1 W	WM	19	NE SE	48	WELL 1 - 1850 FEET NORTH AND 190 FEET WEST FROM THE SE CORNER OF SECTION 19	1517 FEET
7 S	1 W	WM	19	SE SE	48	WELL 2 - 1240 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 19	1090 FEET
7 S	1 W	WM	19	SE SE	48	WELL 3 - 875 FEET NORTH AND 75 FEET WEST FROM THE SE CORNER OF SECTION 19	737 FEET

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 point of appropriation proposed by Permit Amendment Application T-12902 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-12902 is approved.
- 2. Permit G-18197, in the name of SHAWN AND KIMBERLY SCHURTER, is issued to replace Permit G-17694, and incorporates the amendments approved by this order, the extension of time and the assignments. Permit G-17694, in the name of SHAWN AND KIMBERLY SCHURTER, is no longer of any force or effect.
- 3. The quantity of water diverted at the new points of appropriation (Well 1, Well 2 and Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 4. Water shall be acquired from the same aquifer as the original point of appropriation.
- 5. All other terms and conditions of Permit G-18197 remain the same.

Dated at Salem, Oregon this JUN 2 5 2019		
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for		
Thomas M. Byler, Director,		JUN 2 6 2019
Oregon Water Resources Department	Mailing Date:_	