

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12533, Linn County)	APPROVING A CHANGE IN POINT
)	OF APPROPRIATION AND
)	ADDITIONAL 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

JACKASS MOUNTAIN HOLDINGS LLC
660 DOGWOOD RD
PASCO, WA 99301

Findings of Fact

1. On December 12, 2016, JACKASS MOUNTAIN HOLDINGS LLC filed an application to change the point of appropriation and for additional points of appropriation under Permit G-17104. The Department assigned the application number T-12533.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on December 20, 2016, and in the Democrat Herald on August 2 and August 9, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notice.

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.

3. Permit Amendment Application T-12533 proposes to change the authorized point of appropriation (WELL 1) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the existing point of appropriation in feet (ft)
10 S	3 W	WM	17	NW NW	WELL 1 - 135 FEET SOUTH AND 1240 FEET EAST FROM THE NW CORNER OF SECTION 17	81.2 ft

4. Permit Amendment Application T-12533 also proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the existing point of appropriation in feet (ft)
10 S	3 W	WM	17	NE NW	WELL 2 - 100 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 17	1,348.0 ft
10 S	3 W	WM	17	SE NE	WELL 3 - 2060 FEET SOUTH AND 270 FEET WEST FROM THE NE CORNER OF SECTION 17	4,292.0 ft
10 S	3 W	WM	17	SE NE	WELL 4 - 2360 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 17	4,313.7 ft

Permit Amendment Review Criteria

5. The changes would not result in injury to other water rights.
6. The changes do not enlarge the permit.
7. The changes do not alter any other terms of the permit.

Conclusions of Law

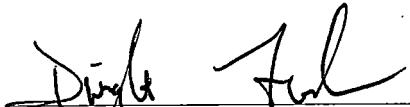
The change in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-12533 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-12533 are approved.
2. Permit G-18106, in the name of Jackass Mountain Holdings, LLC, is issued to replace Permit G-17104, and incorporates the amendments approved by this order. Permit G-17104, in the name of CLIFF MACHUGH; JACKASS MOUNTAIN HOLDINGS, LLC, 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. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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 point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. All other terms and conditions of Permit G-18106 remain the same.

Dated at Salem, Oregon this SEP 25 2018.



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

Mailing Date: SEP 26 2018