

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

In the Matter of Permit Amendment)
T-9545, Clackamas County, Oregon)
)

FINAL ORDER

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation authorized under an existing water right permit.

Applicant

Devin and Allison Cooper,
25571 S Barlow Road,
Canby, Oregon 97013.

Findings of Fact

1. Devin and Allison Cooper, filed an application to change the point of appropriation and add an additional point of appropriation to Permit G-13833. The Department assigned the application number T-9545.
2. The permit to be amended is as follows:

Permit: G-13833, in the name of Willamette Nurseries (Devin and Allison Cooper) ;
Use: Irrigation;
Priority Date: October 26, 1999;
Quantity: 0.236 cubic foot per second;
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Acres: 18.85;
Source: A well, in the Rock Creek Basin.
Date Of Complete Application of Water: October 1, 2004.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order other than a 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
5	S	1	E	W.M.	18	NW	NE			400 feet South and 2320 feet West from the NE Corner of Section 18.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
5	S	1	E	W.M.	7	SE	SW			1.20
5	S	1	E	W.M.	7	SW	SE			2.81
5	S	1	E	W.M.	18	NW	NE			10.30
5	S	1	E	W.M.	18	NE	NW			4.54

3. Application T-9545 proposes to change the point of appropriation of the permit to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
5	S	1	E	W.M.	18	NW	NE			400 feet South and 2126 feet West from the NE¼ Corner of Section 18.

4. Application T-9545 proposes an additional point of appropriation under the permit located:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
5	S	1	E	W.M.	18	SW	NE			41 feet North and 2820 feet East from the W¼ Corner of Section 18.

5. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. The change does not alter all other terms of the permit.

Conclusion of Law

The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-9545 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

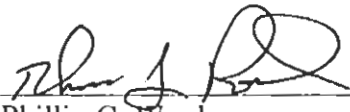
1. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13833.
2. Prior to water use from the proposed point of appropriation, the permittee shall 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.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-13833 remain the same.
5. Permit G-13833, in the name of Willamette Nurseries (Devin and Allison Cooper), is amended as described herein.

Dated at Salem, Oregon this 13th day of ~~September~~ 2004.



Phillip C. Ward,
Acting Director