

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12590, Yamhill County)	APPROVING A CHANGE IN POINTS
)	OF APPROPRIATION, AN
)	ADDITIONAL POINT OF
)	APPROPRIATION, AND A CHANGE
)	IN PLACE OF USE

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

NORTH AMERICAN PLANTS, INC.
C/O YONGJIAN CHANG
9375 SE WARMINGTON RD
MCMINNVILLE, OR 97128

Findings of Fact

1. On February 21, 2017, NORTH AMERICAN PLANTS, INC., C/O YONGJIAN CHANG filed an application for add an additional point of appropriation, to change the points of appropriation, and to change the place of use under Permit G-15352. The Department assigned the application number T-12590.
2. On August 4, 2005, the Department approved an assignment of the permit by proof of authority from to Todd Erickson, Meadow Lake Nursery Co. Inc. and Michael Remmick, North American Plants, LLC, to Michael Remmick, North American Plants, LLC.
3. On July 6, 2010, the Department approved an extension of time for complete application of water to October 1, 2022.
4. Notice of the application for the permit amendment was published in the Department’s weekly notice on March 7, 2017, and August 21, 2018, 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.

5. On June 5, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by August 6, 2018.
6. On August 3, 2018, the applicant submitted a revised application, which corrected the deficiencies.
7. Permit Amendment Application T-12590 proposes to move the authorized points of appropriation, Wells 3 and 4, from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original well location in feet (ft)
4 S	4 W	WM	11	NE SE	51	WELL 3 - 550 FEET SOUTH AND 1445 FEET EAST FROM THE C1/4 CORNER OF SECTION 11	263.2 ft
4 S	4 W	WM	11	NW SE	50	WELL 4 - 205 FEET SOUTH AND 1045 FEET EAST FROM THE SE CORNER OF SECTION 11	763.9 ft

8. Permit Amendment Application T-12590 also proposes an additional point of appropriation located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from authorized points of appropriation in feet (ft)	
4 S	4 W	WM	11	NE SE	51	WELL 5 - 215 FEET SOUTH AND 1880 FEET EAST FROM THE C1/4 CORNER OF SECTION 11	WELL 1 982.0 ft	WELL 2 1269.0 ft

9. Permit Amendment Application T-12590 also proposes to change the place of use of the permit to:

NURSERY USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	11	NE SE	51	2.0
4 S	4 W	WM	11	NW SE	50	4.5
Total						6.5

Permit Amendment Review Criteria

10. The changes would not result in injury to other water rights.
11. The proposed place of use is owned and/or controlled by the permit holder.
12. The changes do not enlarge the permit.
13. The changes do not alter any other terms of the permit.
14. The proposed place of use is contiguous to the authorized place of use.


Conclusions of Law

The additional point of appropriation, change in points of appropriation, and change in place of use proposed by Permit Amendment Application T-12590 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation, change in points of appropriation, and change in place of use proposed by Permit Amendment Application T-12590 are approved.
2. Permit G-18107, in the name of North American Plants, LLC, c/o Yongjian Chang is issued to replace Permit G-15352, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-15352, in the name of MICHAEL REMMICK; NORTH AMERICAN PLANTS INC, is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old 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. The former place of use shall no longer be irrigated as part of this permit.
6. All other terms and conditions of Permit G-18107 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