

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12181, Marion County)	APPROVING ADDITIONAL POINTS
)	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

CITY OF WOODBURN
RANDY SCOTT, PUBLIC WORKS DIRECTOR
270 MONTGOMERY ST
WOODBURN, OR 97071

Findings of Fact

1. On October 9, 2015, the CITY OF WOODBURN, RANDY SCOTT, filed an application for additional points of appropriation and to change the place of use under Permits G-11921, G-11922, and G-12029. The Department assigned the application number T-12181.
2. On August 12, 2011, the Department approved extensions of time for completing construction and for applying water to full beneficial use to October 1, 2040, for Permits G-11921 and G-11922.
3. On January 20, 2009, the Department approved an extension of time for completing construction and for applying water to full beneficial use to October 1, 2040, for Permit G-12029.
4. On August 29, 1997, the Department approved a permit amendment, T-7655, adding additional points of appropriation and changing the place of use for Permits G-11921, G-11922, and G-12029.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 13, 2015, and in the Woodburn Independent newspaper on November 9 and 16, 2016, 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.

6. On August 9, 2016, the Department contacted the applicant's agent via telephone, followed by an email on August 10, 2016, to notify them of deficiencies in the application. The main deficiencies being inconsistencies in the description of the location of the points of appropriation, in the place of use and between the application and the transfer map. The Department requested that the deficiencies be resolved by September 12, 2016.
7. On September 1, 2016, the applicant's agent submitted amended application pages and maps resolving the deficiencies.
8. Permit Amendment Application T-12181 proposes to add points of appropriation, described as follows, with the approximate distances, in miles, from the existing points of appropriation as identified below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. Distance to Senior Estates Well	Approx. Distance to King Way Well	Approx. Distance to Well 7	Approx. Distance to Well 8	Approx. Distance to Well 9	Approx. Distance to Well 10	Approx. Distance to Well 11
5 S	2 W	WM	13	NW SE	PARR ROAD WELL 12: 2466 FEET NORTH AND 1635 FEET EAST FROM THE SE CORNER OF SECTION 13	1.2	1.7	1.7	1.4	1.3	1.9	1.2
5 S	1 W	WM	18	NW NW	SETTLEMIER PARK WELL 13: 1415 FEET SOUTH AND 1155 FEET EAST FROM THE NW CORNER OF SECTION 18	0.9	1.4	1.4	1.3	1.1	1.8	0.9
5 S	1 W	WM	5	SE SE	PATRICK WELL 14: 1117 FEET NORTH AND 35 FEET WEST FROM THE SE CORNER OF SECTION 5	2.0	2.1	3.0	1.1	1.7	0.6	1.9

9. Permit Amendment Application T-12181 also proposes to change the place of use of the permit to:

WITHIN THE CITY OF WOODBURN'S URBAN GROWTH BOUNDARIES

Permit Amendment Review Criteria

10. The changes would not result in injury to other water rights.
11. The changes do not enlarge the permits.
12. The changes do not alter any other terms of the permits.
13. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law


The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-12181 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-12181 are approved.
2. Permit G-17705, in the name of CITY OF WOODBURN, RANDY SCOTT, PUBLIC WORKS DIRECTOR, is issued to replace Permit G-11921, and incorporates the amendments approved by this order and the extension of time. Permit G-11921, in the name of CITY OF WOODBURN, is no longer of any force or effect.
3. Permit G-17706, in the name of CITY OF WOODBURN, RANDY SCOTT, PUBLIC WORKS DIRECTOR, is issued to replace Permit G-11922, and incorporates the amendments approved by this order and the extension of time. Permit G-11922, in the name of CITY OF WOODBURN, is no longer of any force or effect.
4. Permit G-17707, in the name of CITY OF WOODBURN, RANDY SCOTT, PUBLIC WORKS DIRECTOR, is issued to replace Permit G-12029, and incorporates the amendments approved by this order and the extension of time. Permit G-12029, in the name of CITY OF WOODBURN, is no longer of any force or effect.
5. 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.
6. 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.

7. Water shall be acquired from the same aquifer as the original points of appropriation.
8. All other terms and conditions of Permits G-17705, G-17706, and G-17707 remain the same.

Dated at Salem, Oregon this 30 day of November, 2016.



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

Mailing Date: DEC 06 2016