# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment	_ )	FINAL ORDER	
T-12641, Tillamook County	)	APPROVING A CHA	NGE 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 diversion and/or place of use authorized under an existing water right permit.

## **Applicant**

TIERRA DEL MAR WATER CO. C/O OWEN MILLER 7709 NW SKYLINE BLVD PORTLAND, OR 97229-1234

### **Findings of Fact**

- 1. On April 13, 2017, TIERRA DEL MAR WATER CO., C/O OWEN MILLER filed an application to change in place of use under Permit S-44592. The Department assigned the application number T-12641.
- 2. On November 4, 1982, the Department approved an assignment of the permit from Wilfred A. Thomas to Guyer Water Company, c/o Owen Miller, Tierra Del Mar Water Co.
- 3. On January 9, 2001, the Department approved an extension of time for complete application of water to October 1, 2020.
- 4. Notice of the application for the permit amendment was published in the Department's weekly notice on April 25, 2017, 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.

5. Permit Amendment Application T-12641 proposes to change the place of use of the permit to:

DOMESTIC USE FOR 600 FAMILIES INCLUDING							
NOT TO EXCEED 1/2 ACRE LAWN AND NON-							
COMMERCIAL GARDEN IRRIGATION FOR EACH							
Twp	Rng	Mer	Sec	Q-Q	GLot		
3 S	10 W	WM	29	SW SW			
3 S	10 W	WM	31	NE NE			
3 S	10 W	WM	31	NW NE			
3 S	10 W	WM	31	SW NE			
3 S	10 W	WM	31	SE NE			
3 S	10 W	WM	31	NE SW			
3 S	10 W	WM	31	SE SW	4		
3 S	10 W	WM	31	NE SE			
3 S	10 W	WM	31	NW SE			
3 S	10 W	WM	31	SW SE			
3 S	10 W	WM	31	SE SE			
3 S	10 W	WM	32	NW NW			
4 S	10 W	WM	6	NE NW	3		
4 S	10 W	WM	6	NW NW	4		
4 S	10 W	WM	6	SWNW	5		
4 S	10 W	WM	6	SE NW			
4 S	10 W	WM	6	NE SW			
4 S	10 W	WM	6	NW SW	6		
4 S	10 W	WM	6	SW SW	7		
4 S	11 W	WM	11	SE NE	2		
4 S	11 W	WM	1	NE SE	3		
4 S	11 W	WM	1	SE SE	4 .		

#### Permit Amendment Review Criteria

- 6. The change would not result in injury to other water rights.
- 7. The proposed place of use is owned and/or controlled by the permit holder.
- 8. The change does not enlarge the permit.
- 9. The change does not alter any other terms of the permit.
- 10. The proposed place of use is contiguous to the authorized place of use.

### **Conclusions of Law**

The change in place of use proposed by Permit Amendment Application T-12641 is consistent with the requirements of ORS 537.211.

### Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-12641 is approved.

- 2. Permit S-55172, in the name of Tierra Del Mar Water Co., c/o Owen Miller, is issued to replace Permit S-44592, and incorporates the amendments approved by this order, and the extension of time. Permit S-44592, in the name of TIERRA DEL MAR WATER CO., is no longer of any force or effect.
- 3. 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 diversion.
  - 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.
- 4. All other terms and conditions of Permit S-55172 remain the same.

Dated at Salem, Oregon this

SEP 26 2018

Dwight French Water Right Services Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

Mailing Date: SEP **2 7** 2018