

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

In the Matter of Permit Amendment	)	<b>FINAL ORDER</b>
T-10636, Marion County	)	APPROVING AN ADDITIONAL POINT
	)	OF APPROPRIATION

**Authority**

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**

Sar-Ben Farms: The Dairy Farm Ltd Partnership  
23231 River Road NE  
Saint Paul, Oregon 97137

**Findings of Fact**

1. On May 22, 2008, Sar-Ben Farms: The Dairy Farm Ltd Partnership filed an application for an additional point of appropriation under Permit G-15359. The Department assigned the application number T-10636.
2. The permit to be amended is as follows:

<b>Permit:</b>	G-15359, in the name of Sar-Ben Farms: The Dairy Farm Ltd Partnership
<b>Use:</b>	Irrigation of 73.8 acres and dairy barn use
<b>Priority Date:</b>	December 6, 2001
<b>Quantity:</b>	1.42 cubic feet per second (cfs), being 0.922 cfs for irrigation and 0.22 cfs for dairy barn washing
<b>Rate/Duty:</b>	The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
<b>Period of use:</b>	March 1 through October 31 for irrigation and year-round for dairy barn washing.
<b>Source:</b>	Two wells, in the Skookum Lake Basin.
<b>Date of Complete Application of Water:</b>	October 1, 2012

<p>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 137-004-080 and OAR 690-01-005 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.</p>
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**Authorized Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼		Location
4	S	2	W	W.M.	4	SW	NW	Well 1 – 1400 feet North and 800 feet West from the NW Corner of DLC 70.
4	S	2	W	W.M.	4	NW	SW	Well 2 – 1000 feet North and 750 feet West from the NW Corner of DLC 70.

**Authorized Place of Use:**

IRRIGATION AND DAIRY BARN USE								
Township		Range		Meridian	Sec	¼ ¼		Dairy Barns
4	S	2	W	W.M.	4	NE	NW	4.1
4	S	2	W	W.M.	4	NW	NW	3.1
4	S	2	W	W.M.	4	SW	NW	19.6
4	S	2	W	W.M.	4	SE	NW	12.3
4	S	2	W	W.M.	4	NE	SW	11.0
4	S	2	W	W.M.	4	NW	SW	23.7

## 3. Application T-10636 proposes an additional point of appropriation located:

Township		Range		Meridian	Sec	¼ ¼		Location
4	S	2	W	W.M.	4	NW	NE	Well 4 – 2620 feet North and 90 feet West from the NW Corner of DLC 70.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on June 3, 2008, and in the Newberg Graphic newspaper on August 30, September 6 and 13, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

**Conclusions of Law**

The additional point of appropriation proposed by Permit Amendment Application T-10636 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:

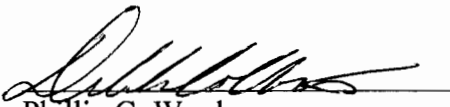
1. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed point of appropriation, 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 points of appropriation.
4. All other terms and conditions of Permit G-15359 remain the same.
5. Permit G-15359, in the name of Sar-Ben Farms: The Dairy Farm Ltd Partnership, is amended as described herein.

Dated at Salem, Oregon this 15<sup>th</sup> day of July, 2008.

  
R Phillip C. Ward,  
Director

Mailing Date: OCT 20 2008