

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

In the Matter of Permit Amendment)	FINAL ORDER
T-11954, Clackamas County)	APPROVING A CHANGE IN POINT
)	OF APPROPRIATION AND CHANGES
)	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.

Applicants

ESTACADA ROCK PRODUCTS INC.
JAMES AND NANCY TEDROW
DAVID COFFIN
PO BOX 218
ESTACADA, OR 97023-0218

Findings of Fact

1. On December 29, 2014, ESTACADA ROCK PRODUCTS INC.; JAMES AND NANCY TEDROW; AND DAVID COFFIN filed an application to change the point of appropriation and to change in place of use under Permit G-13760 and to change the place of use under Permit G-13514. The Department assigned the application number T-11954.
2. On November 21, 2014, the Department approved extensions of time for complete application of water to October 1, 2018, for Permit G-13760 and for Permit G-13514.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on January 6, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. On June 12, 2015, the Department contacted the applicant's agent by written correspondence (email) to notify them of a deficiency in the application. The deficiency being that an incorrect type of use change was indicated on a part of the application for Permit G-13760 resulting in an additional fee being required.
5. On June 30, 2015, an amended application page and the additional fee were received, resolving the deficiency.

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. For Permit G-13760, Permit Amendment Application T-11954 proposes to move the authorized point of appropriation approximately 260 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Gov Lot	Measured Distances
3 S	4 E	WM	19	NW NE	2	190 FEET SOUTH AND 750 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 19

7. For Permits G-13760 and G-13514, Permit Amendment Application T-11954 proposes to change the place of use of the permits to:

Twp	Rng	Mer	Sec	Q-Q	DLC
3 S	4 E	WM	18	NW NE	42
3 S	4 E	WM	18	SW NE	42
3 S	4 E	WM	18	SE NE	42
3 S	4 E	WM	18	NE NW	42
3 S	4 E	WM	18	SE NW	42
3 S	4 E	WM	18	SE SW	42
3 S	4 E	WM	18	NE SE	42
3 S	4 E	WM	18	NW SE	42
3 S	4 E	WM	18	SW SE	42
3 S	4 E	WM	18	SE SE	42
3 S	4 E	WM	19	NW NE	42
3 S	4 E	WM	19	NE NW	42

Permit Amendment Review Criteria

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

Conclusions of Law

The change in point of appropriation and changes in place of use proposed by Permit Amendment Application T-11954 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and changes in place of use proposed by Permit Amendment Application T-11954 are approved.
2. Permit G-17468, in the name of ESTACADA ROCK PRODUCTS INC., GEORGE LAYNG, is issued to replace Permit G-13760 and incorporates the amendments approved by

this order and the extension of time. Permit G-13760, in the name of ESTACADA ROCK PRODUCTS INC., GEORGE LAYNG, is no longer of any force or effect.

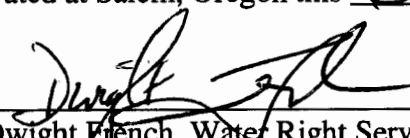
3. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. Prior to water use from the proposed point 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.

6. Permit G-17469, in the name of JAMES AND NANCY TEDROW, ESTACADA ROCK PRODUCTS INC., is issued to replace Permit G-13514 and incorporates the amendment approved by this order and the extension of time. Permit G-13514, in the name of JAMES AND NANCY TEDROW, ESTACADA ROCK PRODUCTS INC., is no longer of any force or effect.
7. All other terms and conditions of Permit G-17468 and Permit G-17469 remain the same.

Dated at Salem, Oregon this 6 day of July, 2015.



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

Mailing Date: JUL 09 2015