

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

In the Matter of Permit Amendment)	FINAL ORDER
T-13866, Clackamas County)	APPROVING ADDITIONAL POINTS OF
)	APPROPRIATION AND A CHANGE IN
)	POINT OF APPROPRIATION

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

ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Findings of Fact

1. On November 15, 2021, ROBERT W. GABRIEL filed an application for additional points of appropriation and to change a point of appropriation under Permit G-17557. The Department assigned the application number T-13866.
2. On June 30, 2021, the Department issued a Final Order (Special Order Volume 120, Pages 996-1004), approving a change in points of diversion and places of use under Certificates 15413 and 54224, a change in point of appropriation and place of use under Certificate 54225, and partial cancellation and partial diminution under Permit G-17557.
3. On October 15, 2021, the Department approved an extension of time for complete application of water to October 1, 2026.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on November 23, 2021, and in the Wilsonville Spokesman newspaper on April 27 and May 4, 2022, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. On September 6, 2022, the applicant submitted a revised application, proposing to add an additional point of appropriation.

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. Permit Amendment Application T-13866 proposes to move the authorized point of appropriation for Well 5 approximately 0.7 mile East from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	30	SW NE	WELL 5 - 1645 FEET SOUTH AND 1605 FEET WEST FROM THE NE CORNER OF SECTION 30

7. The applicant has provided additional information to re-describe the authorized points of appropriation for Wells 2, 3, and 4, from the original locations to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in feet (ft.)
3 S	1 E	WM	30	SW NW	WELL 2 - 2470 FEET SOUTH AND 75 FEET EAST FROM THE NW CORNER OF SECTION 30	35 ft.
3 S	1 E	WM	30	SW NW	WELL 3 - 1560 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 30	103 ft.
3 S	1 E	WM	30	SW NW	WELL 4 - 2170 FEET SOUTH AND 1400 FEET EAST FROM THE NW CORNER OF SECTION 30	110 ft.

8. Permit Amendment Application T-13866 also proposes additional points of appropriation (APOA) as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	30	SE NW	WELL 6 - 1560 FEET SOUTH AND 1560 FEET EAST FROM THE NW CORNER OF SECTION 30
3 S	1 E	WM	30	NW SW	WELL 8 - 3785 FEET SOUTH AND 220 FEET EAST FROM THE NW CORNER OF SECTION 30

Approximate distance from original points of appropriation in feet (ft.)						
Proposed APOA	WELL 1	WELL 2	WELL 3	WELL 4	WELL 5	WELL 7
WELL 6	1737 ft.	1742 ft.	159 ft.	631 ft.	2278 ft.	1499 ft.
WELL 8	1411 ft.	1323 ft.	2518 ft.	2000 ft.	4115 ft.	2058 ft.

Permit Amendment Review Criteria

9. The changes would not result in injury to other water rights.
10. The changes do not enlarge the permit.
11. The changes do not alter any other terms of the permit.

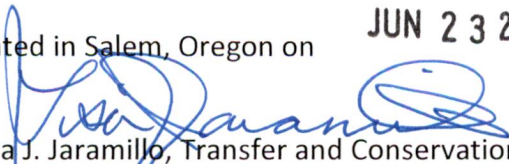
Conclusions of Law

The additional points of appropriation and change in point of appropriation proposed by Permit Amendment Application T-13866 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in point of appropriation proposed by Permit Amendment Application T-13866 are approved.
2. Permit G-18848, in the name of ROBERT W. GABRIEL, is issued to replace Permit G-17557, and incorporates the amendments approved by this order, the partial cancellation and diminishment approved by Special Order Volume 120, Pages 996 – 1004, and the extension of time. Permit G-17557, in the name of ROBERT W. GABRIEL, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation (Well 5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 5).
4. The combined quantity of water diverted at the new additional points of appropriation (Well 6 and Well 8), together with that diverted at the old points of appropriation (Wells 1, 2, 3, 4, 5, and 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 2, 3, 4, 5, and 7).
5. 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 (new and existing).
 - 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.
6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. All other terms and conditions of Permit G-18848 remain the same.

Dated in Salem, Oregon on **JUN 23 2023**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: JUN 26 2023