BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	
T-9933, Clackamas County, Oregon)	FINAL ORDER
)	

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

Jim Turin and Sons, Inc. (DBA Mt. Hood Rock Products)

Attn: David Turin P.O. Box 175

Welches, Oregon 97067

Findings of Fact

Jim Turin and Sons, Inc. (DBA Mt. Hood Rock Products), filed an application for an additional point of appropriation and to change the place of use under Permit G-13465. The Department assigned the application number T-9933.

The permit to be amended is as follows: 2.

Permit:

G-13465, in the name of Jim Turin and Sons, Inc. (DBA Mt. Hood Rock

Products):

Use:

Domestic, mining, and industrial.

Priority Date: August 8, 1997

Quantity:

0.056 cubic foot per second (cfs), further limited to no more than 0.005 cfs

for domestic use.

Source:

A well, in the North Fork Boulder Creek Basin.

Date Of Complete Application of

Water:

October 1, 2008

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.

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	1/4 1/4		1/4 1/4		1/4 1/4		1/4 1/4		1/4 1/4		1/4 1/4		Sec 1/4 1/4		Location
2	S	6	Е	W.M.	24	SW	NE	N 57°30' W 1598 feet from the E ¹ / ₄ Corner of Section 24.												

Authorized Place of Use:

Township		Range		Meridian	Sec	1/4 1/4	
2	S	6	Е	W.M.	24	NE	NE
2	S	6	Е	W.M.	24	SW	NE
2	S	6	Е	W.M.	24	SE	NE

3. Application T-9933 proposes to change the place of use of the permit to:

Township		Range		Meridian	Sec	1/4 1/4	
2	S	6	Е	W.M.	24	NE	NE
2	S	6	Е	W.M.	24	NW	NE
2	S	6	Е	W.M.	24	SW	NE
2	S	6	Е	W.M.	24	SE	NE
2	S	6	Е	W.M.	24	NW	SE

4. Application T-9933 proposes an additional point of appropriation located:

Town	nship	Rai	nge	Meridian	Sec	1/4 1/4		1/4 1/4		1/4 1/4		1/4 1/4		1/4 1/4		Location
2	S	6	Е	W.M.	24	SE	NE	N 45°23' W 810 feet from the E¼ Corner of Section 24.								

- 5. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 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 all other terms of the permit.
- 10. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-9933 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 (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13465.
- 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 point of appropriation.
- 4. All other terms and conditions of Permit G-13465 remain the same.
- 5. Permit G-13465, in the name of Jim Turin and Sons, Inc. (DBA Mt. Hood Rock Products), is amended as described herein.

Dated at Salem, Oregon this 30 4h day of May, 2006.

Phillip C. Ward,

Director

DATE MALLED: JUN 0 6 2006