

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

In the Matter of Permit G-8690,)	FINAL ORDER
Clackamas County)	APPROVING ASSIGNMENT OF A WATER
)	RIGHT PERMIT AND ISSUANCE OF
)	REPLACEMENT WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

EXIT 282A DEVELOPMENT CO., LLC
24377 NE AIRPORT RD
AURORA, OR 97002

KEYSTONE PACIFIC, LLC
CHUCK EGGERT
18555 SW TETON AVE
TUALATIN, OR 97062

Findings of Fact

Background

1. On September 22, 2021, EXIT 282A DEVELOPMENT CO., LLC and KEYSTONE PACIFIC, LLC, CHUCK EGGERT, filed an application for partial assignment of Water Right Permit G-8690 and requested issuance of replacement permits. The Department assigned the application number T-13841.
2. On January 12, 2016, the Department confirmed a partial assignment of a portion of Permit G-8690 to Exit 282A Development Company, LLC.
3. On July 18, 2019, the Department confirmed a partial assignment of a portion of Permit G-8690 to Keystone-Pacific, LLC.

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.

4. On May 21, 2021, the Department approved an extension of time for complete application of water to October 1, 2027.
5. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-325-0080.
6. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on May 3, 2022, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. Due to a clerical error, the notice was not published correctly in the Department's weekly notice on May 3, 2022. The notice was republished in the Department's weekly notice on August 2, 2022. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.
7. On September 7, 2022, the Department issued a Proposed Final Order considering any comments received, and sent a copy to the applicant, each owner of land upon which the water right permit is appurtenant. Notice of the Proposed Final Order was published in the Department's weekly notice on September 13, 2022. No protests were filed in response to the notice.

6. The Permit to be modified and assigned is as follows:

Permit: G-8690 in the name of EXIT 282A DEVELOPMENT CO. LLC. and KEYSTONE PACIFIC LLC

Use: IRRIGATION OF 131.2 ACRES

Priority Date: JULY 25, 1979

Quantity: 1.64 CUBIC FEET PER SECOND (CFS) BEING 0.98 CFS FROM WELL NO. 1 AND 0.66 CFS FROM WELL NO. 2.

Limit/Duty: IF FOR IRRIGATION THIS APPROPRIATION SHALL BE LIMITED TO 1/80TH OF ONE CUBIC FOOT PER SECOND OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 2.5 ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

Source: 2 WELLS

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	35	SE SW	1400 FEET SOUTH AND 700 FEET WEST FROM THE C1/4 CORNER OF SECTION 35
3 S	1 W	WM	35	SE NW	500 FEET NORTH AND 460 FEET WEST FROM THE C1/4 CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	35	SW NE	22.1
3 S	1 W	WM	35	SE NW	21.1
3 S	1 W	WM	35	NE SW	25.0
3 S	1 W	WM	35	NW SW	0.3
3 S	1 W	WM	35	SE SW	32.2
3 S	1 W	WM	35	NW SE	30.5
Total					131.2

7. The Applicants request Permit G-8690 be split and replacement permits be issued as follows:

Permit A: EXIT 282A DEVELOPMENT COMPANY, LLC

Use: IRRIGATION OF 99.0 ACRES

Priority Date: JULY 25, 1979

Quantity: 1.24 CUBIC FEET PER SECOND (CFS) BEING .74 CFS FROM WELL NO. 1 AND 0.50 CFS FROM WELL NO. 2.

Limit/Duty: IF FOR IRRIGATION THIS APPROPRIATION SHALL BE LIMITED TO 1/80TH OF ONE CUBIC FOOT PER SECOND OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 2.5 ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

Source: 2 WELLS

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	35	SE SW	1400 FEET SOUTH AND 700 FEET WEST FROM THE C1/4 CORNER OF SECTION 35
3 S	1 W	WM	35	SE NW	500 FEET NORTH AND 460 FEET WEST FROM THE C1/4 CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	35	SW NE	22.1
3 S	1 W	WM	35	SE NW	21.1
3 S	1 W	WM	35	NE SW	25.0
3 S	1 W	WM	35	NW SW	0.3
3 S	1 W	WM	35	NW SE	30.5
Total					99.0

Permit B: KEYSTONE PACIFIC, LLC

Use: IRRIGATION OF 32.2 ACRES
Priority Date: JULY 25, 1979
Quantity: 0.4 CUBIC FEET PER SECOND (CFS) BEING .24 CFS FROM WELL NO. 1 AND 0.16 CFS FROM WELL NO. 2.
Limit/Duty: IF FOR IRRIGATION THIS APPROPRIATION SHALL BE LIMITED TO 1/80TH OF ONE CUBIC FOOT PER SECOND OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 2.5 ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR
Source: 2 WELLS

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	35	SE SW	1400 FEET SOUTH AND 700 FEET WEST FROM THE C1/4 CORNER OF SECTION 35
3 S	1 W	WM	35	SE NW	500 FEET NORTH AND 460 FEET WEST FROM THE C1/4 CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	35	SE SW	32.2

Split a Permit Review Criteria

The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
EXIT 282A DEVELOPMENT CO., LLC 24377 NE AIRPORT RD AURORA, OR 97002	99.0	01.24 CFS	3 S	1 E	WM	35	MULTIPLE	500, 580, 570, 1802, 1860, 1870
KEYSTONE PACIFIC, LLC CHUCK EGGERT 18555 SW TETON AVE TUALATIN, OR 79062	32.2	0.40 CFS	3 S	1 E	WM	35		1800

8. The deeds supplied with the application, match the properties proposed for assignment.
9. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
10. The assignment and issuance of replacement permits would not result in injury to other water right holders.

11. The assignment and issuance of replacement permits would not result in enlargement of the permit.
12. The assignment and issuance of replacement permits does not alter any other terms of Permit G-8690.

Conclusions of Law

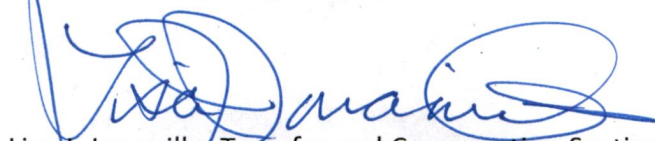
The assignment and issuance of replacement permits proposed by Application T-13841 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325.

Now, therefore, it is ORDERED:

1. The assignment and issuance of replacement permits proposed by Application T-13841 are approved.
2. Permit G-18781, in the name of EXIT 282A DEVELOPMENT COMPANY, LLC, and Permit G-18782 in the name of KEYSTONE-PACIFIC, LLC are issued to supersede Permit G-8690 (original permit). Permit G-8690 (original permit) is no longer of any force or affect.
3. All other terms and conditions under Permit G-8690 (original permit) are incorporated into Permits G-18781 and G-18782 (superseding permits).

NOV 23 2022

Dated in Salem, Oregon on



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

Mailing Date: NOV 24 2022

1957-1958

1959-1960

1961-1962