

crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Source: Two wells in the Bear Creek Basin.

Date of Complete Application of Water: October 1, 2012

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
5	S	1	E	W.M.	1	SW	SE	Well 1 – 1200 feet North and 2385 feet West from the SE Corner of Section 1.
5	S	1	E	W.M.	12	NE	NW	Well 2 – 990 feet South and 2650 feet West from the NE Corner of Section 12.

Authorized Place of Use:

NURSERY USE								
Township		Range		Meridian	Sec	¼ ¼		Acres
5	S	1	E	W.M.	1	NE	SW	2.03
5	S	1	E	W.M.	1	SE	SW	40.00
5	S	1	E	W.M.	1	SW	SE	35.50
5	S	1	E	W.M.	12	NE	NW	40.00

3. Permit Amendment Application T-10680 proposes additional points of appropriation located:

Township		Range		Meridian	Sec	¼ ¼		Location
5	S	1	E	W.M.	12	NE	NW	Well 3 – 790 feet South and 2490 feet East from the NW Corner of Section 12.
5	S	1	E	W.M.	12	NE	NW	Well 4 – 960 feet South and 2360 feet East from the NW Corner of Section 12.

4. Notice of the application for the permit amendment was published in the Department’s weekly notice on August 5, 2008, and in the Mollala Pioneer newspaper on October 11, 18, and 25, 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 points of appropriation proposed by Permit Amendment Application T-10680 are 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 points of appropriation, together with that diverted at the old 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 points 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, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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.

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-10680 remain the same.
5. Permit G-10680, in the name of Bradley and Mary Gilbert, is amended as described herein.

Dated at Salem, Oregon this 31ST day of October, 2008.



Phillip C. Ward,
Director

Mailing Date: NOV 03 2008