

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-11914, Josephine County	)	APPROVING A CHANGE IN POINT
	)	OF DIVERSION AND A CHANGE 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 diversion and/or place of use authorized under an existing water right permit.

**Applicant**

PADRE PROPERTIES LLC  
(RICHARD BRADEN, MEMBER)  
PO BOX 1032  
HUGHSON, CA 95326

**Findings of Fact**

1. On November 4, 2014, PADRE PROPERTIES LLC, (RICHARD BRADEN, MEMBER), filed an application to change the point of diversion and to change the place of use under Permit S-54489. The Department assigned the application number T-11914.
2. On April 9, 2013, the Department approved an assignment of the permit to PADRE PROPERTIES, LLC.
3. On March 14, 2014, the Department approved an extension of time for complete application of water to October 1, 2015.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on November 11, 2014, and in the Grants Pass Daily Courier newspaper on January 27, 2015, and February 3, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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.

5. Permit Amendment Application T-11914 proposes to move the authorized point of diversion approximately 1.1 miles SE from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	4 W	WM	6	SW SW	4590 FEET SOUTH AND 740 FEET EAST FROM THE NE CORNER OF SECTION 1, TWP 38 SOUTH, RNG 5 WEST

6. Permit Amendment Application T-11914 proposes a change in point of diversion and to change the place of use of the permit as identified below:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Type of Change
37 S	5 W	WM	36	SW SE	37	5.5	POU/POD
37 S	5 W	WM	36	SE SE		31.5	POD

7. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

#### ***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 permit.
11. The changes do not alter any other terms of the permit.
12. The proposed place of use is contiguous to the authorized place of use.

#### **Conclusions of Law**

The change in points of diversion and change in place of use proposed by Permit Amendment Application T-11914 are consistent with the requirements of ORS 537.211.

#### **Now, therefore, it is ORDERED:**

1. The change in points of diversion and change in place of use proposed by Permit Amendment Application T-11914 are approved.
2. Permit S-54909, in the name of PADRE PROPERTIES LLC, is issued to replace Permit S-54489, and incorporates the amendments approved by this order, the assignment and the extension of time. Permit S-54489, in the name of RICHARD AND MARTHA HOLSTROM, is no longer of any force or effect.
3. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.

4. The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The former place of use shall no longer be irrigated as part of this permit.
7. All other terms and conditions of Permit S-54909 remain the same.

Dated at Salem, Oregon this 12 day of February, 2015.

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

Mailing Date: FEB 17 2015