

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

In the Matter of Permit Amendment                    )  
T-9778, Columbia County                                )  
  )  
  )  
  )  
  )

**FINAL ORDER**  
APPROVING AN ADDITIONAL POINT  
OF APPROPRIATION AND A  
CHANGE IN POINT OF  
APPROPRIATION

**Authority**

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**

John Malek  
PO Box 1475  
Torrance CA 90505

**Findings of Fact**

**Background**

1. On August 31, 2004, John Malek for Western Hills Mobile Estates and Ela Szuladzinski, filed an application for an additional point of appropriation and a change in point of appropriation under Permit G-12944. The Department assigned the application number T-9778.
2. The permit to be amended is as follows:

**Permit:** G-12944, in the names of John M. Malek and Ela Szuladzinski; Western Hills Mobile Homes Estates  
**Use:** Domestic use for 110 households  
**Priority Date:** November 1, 1994  
**Quantity:** 0.11 cubic foot per second (cfs)  
**Source:** Five wells, in the Columbia River Basin.  
**Date of Complete Application of Water:** October 1, 2010

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 Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼		Location
7	N	2	W	W.M.	19	SE	NE	Well 1 – 1700 feet South and 800 feet West from the NE Corner of Section 19.
7	N	2	W	W.M.	19	SE	NE	Well 2 – 2000 feet South and 830 feet West from the NE Corner of Section 19.
7	N	2	W	W.M.	19	NE	SE	Well 3 – 2700 feet South and 400 feet West from the NE Corner of Section 19.
7	N	2	W	W.M.	20	NW	SW	Well 4 – 1700 feet North and 1650 feet East from the SW Corner of Section 20.
7	N	2	W	W.M.	20	SW	NW	Well 5 – 1620 feet South and 1120 feet East from the NW Corner of Section 19.

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	
7	N	2	W	W.M.	19	SW	NE
7	N	2	W	W.M.	19	SE	NE
7	N	2	W	W.M.	19	NW	SE
7	N	2	W	W.M.	20	NW	NE
7	N	2	W	W.M.	20	SW	NE
7	N	2	W	W.M.	20	NE	NW
7	N	2	W	W.M.	20	SW	NW
7	N	2	W	W.M.	20	SE	NW

3. Permit Amendment Application T-9778 proposes to change the point of appropriation of Well 5 to:

Township		Range		Meridian	Sec	¼ ¼		Location
7	N	2	W	W.M.	20	SW	NW	Well 5 – 2150 feet South and 300 feet East from the NE Corner of Section 19

4. Permit Amendment Application T-9778 proposes an additional point of appropriation located:

Township		Range		Meridian	Sec	¼ ¼		Location
7	N	2	W	W.M.	20	SW	NW	Well 6 – 2497 feet South and 385 feet East from the NE Corner of Section 19

5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 12, 2004, and in The Chronicle newspaper on March 3, 10, and 17, 2010, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

***Permit Amendment Review Criteria***

6. The changes would not result in injury to other water rights.
7. The changes do not enlarge the permit.
8. The changes do not alter any other terms of the permit.

**Conclusions of Law**

The additional point of appropriation and change in point of appropriation proposed by Permit Amendment Application T-9778 is consistent with the requirements of ORS 537.211.

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

The changes and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the proposed 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 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.

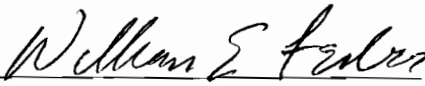
The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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 points of appropriation.
4. All other terms and conditions of Permit G-12944 remain the same.

5. Permit G-12944, in the name of John M. Malek and Ela Szuladzinski; Western Hills Mobile Home Estates, is amended as described herein.

Dated at Salem, Oregon this 15<sup>th</sup> day of April, 2010.

  
for Phillip C. Ward, Director

Mailing Date: APR 19 2010