

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12297, Lane County)	APPROVING AN ADDITIONAL
)	POINT OF APPROPRIATION 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 appropriation and/or place of use authorized under an existing water right permit.

Applicant

DIAMOND RIDGE WATER ASSOCIATION
PO BOX 8411
COBURG OR 97408-1306

Findings of Fact

1. On March 7, 2016, DIAMOND RIDGE WATER ASSOCIATION filed an application for an additional point of appropriation and a change in place of use under Permit G-16853. The Department assigned the application number T-12297.
2. On February 16 2011, the Department approved an assignment of the permit to Diamond Ridge Water Association.
3. On January 13, 2012, the Department approved an extension of time for complete application of water to October 1, 2030.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on March 22, 2016, and in the Register Guard newspaper on August 4 and 11, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. On February 23, 2017 the Department notified the applicant and agent by email regarding deficiencies in the application and map specifically regarding one of the proposed points of appropriation. The Groundwater Section of the Department noted in the Groundwater review dated August 16, 2016 that this proposed additional point of appropriation would cause significant interference with a surface water source. The Department requested that the deficiencies be resolved by March 23, 2017.

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.

6. On March 24, 2017 the Department received amended application pages and an amended map sufficient to satisfy the deficiencies.
7. Permit Amendment Application T-12297 proposes an additional point of appropriation with approximate distance from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
16 S	3 W	WM	34	NE SE	WELL 7 - 40 DEGREES NORTH 31 MINUTES 10 SECONDS WEST, 1900 FEET FROM THE SE CORNER OF SECTION 34	Well 2 - 121 Feet Well 5 - 794 Feet Well 6 - 1445 Feet

8. Permit Amendment Application T-12297 proposes to change the place of use to:

GROUP DOMESTIC FOR 27 HOUSEHOLDS; IRRIGATION OF ½ ACRE PER HOUSEHOLD					
Twp	Rng	Mer	Sec	Q-Q	
16 S	3 W	WM	34	SW NE	
16 S	3 W	WM	34	SE NE	
16 S	3 W	WM	34	SE NW	
16 S	3 W	WM	34	NE SW	
16 S	3 W	WM	34	SE SW	
16 S	3 W	WM	34	NE SE	
16 S	3 W	WM	34	NW SE	
16 S	3 W	WM	34	SW SE	
16 S	3 W	WM	34	SE SE	
16 S	3 W	WM	35	SW NW	
16 S	3 W	WM	35	NW SW	
16 S	3 W	WM	35	SW SW	

Permit Amendment Review Criteria

9. The changes would not result in injury to other water rights.
10. The proposed place of use is owned and/or controlled by the permit holder.
11. The changes do not enlarge the permit.
12. The changes do not alter any other terms of the permit.
13. 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-12297 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-12297 are approved.
2. Permit G-17758, in the name of Diamond Ridge Water Association, is issued to replace Permit G-16853, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-16853, in the name of Van Duyn Land Co. LLC, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point 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.
4. Water use measurement conditions:
 - a) Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b) The water user shall maintain the meters or measuring devices in good working order.
 - c) The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-16853 remain the same.

Dated at Salem, Oregon this 18 day of August, 2017.



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

AUG 24 2017

Mailing Date: _____