

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

In the Matter of Permit Amendment            )    FINAL ORDER  
T-13256, Marion County                    )    APPROVING 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**

EARL J. VAN VOLKINBURG  
5295 DAVIS ST. SE  
TURNER, OR 97392

**Findings of Fact**

1. On September 12, 2019, EARL VAN VOLKINBURG filed an application to change the place of use under Permit G-17487. The Department assigned the application number T-13256.
2. On July 3, 2001, the Department approved Permit Amendment application T-8182 (Special Order Volume 55, Page 684) for additional points of appropriation and a change in place of use.
3. On April 12, 2002, the Department issued superseding Permit G-15046.
4. On November 1, 2004, the Department issued superseding Permit G-15747.
5. On August 28, 2015, the Department issued superseding Permit G-17487.
6. On September 23, 2019, the Department approved a partial assignment of the permit from Earl J. Van Volkinburg to Kay and Robert Freund.
7. On January 10, 2020, the Department issued superseding Permit G-18305.
8. On April 14, 2020, the Department approved an extension of time for complete application of water to October 1, 2024.

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.

9. Notice of the application for the permit amendment was published in the Department's weekly notice on October 1, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
10. On August 12, 2020, the Department contacted the applicant by written correspondence to notify the applicant and applicant's agent of deficiencies in the application. Robert Freund's signature was not included with application, as all permit holders are required to sign or give consent to the application, and the total amount of acres changing place of use did not match in Table 2. The Department requested that the deficiency be resolved by September 14, 2020.
11. On August 19, 2020, the applicant submitted a revised application, resolving the deficiencies.
12. On December 11, 2020, the Department issued superseding Permit G-18515.
13. Permit Amendment Application T-13256 proposes to change the place of use for a portion of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	3 W	WM	18	NE SW	1.4
8 S	3 W	WM	18	SE SW	18.6
Total					20.0

***Permit Amendment Review Criteria***

14. The change would not result in injury to other water rights.
15. The proposed place of use is owned and/or controlled by the permit holder.
16. The change does not enlarge the permit.
17. The change does not alter any other terms of the permit.
18. The proposed place of use is contiguous to the authorized place of use.

**Conclusions of Law**

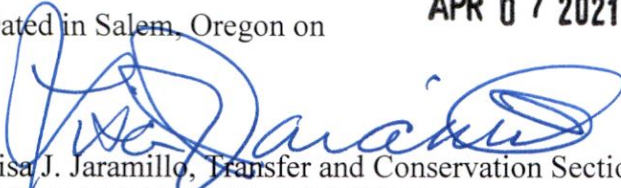
The change in place of use proposed by Permit Amendment Application T-13256 is consistent with the requirements of ORS 537.211.

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

1. The change in place of use proposed by Permit Amendment Application T-13256 is approved.

2. Permit G-18551, in the name of EARL J. VAN VOLKINBURG, and KAY AND ROBERT FREUND, is issued to replace Permit G-18515, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-18515, in the name of EARL J. VAN VOLKINBURG, and KAY AND ROBERT FREUND, is no longer of any force or effect.
3. The former place of use shall no longer be irrigated as part of this permit.
4. All other terms and conditions of Permit G-18551 remain the same.

Dated in Salem, Oregon on **APR 07 2021**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: **APR 09 2021**