

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

In the Matter of Permit Amendment) FINAL ORDER
T-11594, Marion County) APPROVING 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

TIM ROTH; ROTH FAMILY LLC
12513 HOBART RD
SILVERTON, OR 97381

Findings of Fact

Background

1. On May 9, 2013, TIM ROTH; ROTH FAMILY LLC filed an application to change the point of appropriation of Well 1 under Permit G-13335. The Department assigned the application number T-11594.
2. On February 11, 2011, the Department approved an assignment of the permit to Roth Family LLC.
3. On January 6, 2012, the Department approved an extension of time for complete application of water to October 1, 2013.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 21, 2013 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. Permit Amendment Application T-11594 proposes to move the authorized point of appropriation of Well 1 approximately 64 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 W	WM	27	SW NW	WELL 1 - 2013 FEET SOUTH AND 26 FEET EAST FROM THE NE CORNER OF SECTION 28

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.

Permit Amendment Review Criteria

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

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-11594 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed by Permit Amendment Application T-11594 is approved.
2. Permit G-17076, in the name of Roth Family LLC, is issued to replace Permit G-13335, and incorporates the amendments approved by this order, the extension of time, and assignment. Permit G-13335, in the name of Roth Family LLC, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. 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, 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.

5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-17076 remain the same.

Dated at Salem, Oregon this 1 day of August, 2013.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: AUG 16 2013