BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-10006, Clackamas County)	APPROVING ADDITIONAL POINTS
)	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

Clive Cook Jr. 26310 S Barlow Road Canby, Oregon 97013

Findings of Fact

- On September 15, 2005, Clive Cook Jr., filed an application for additional points of appropriation under Permit G-13891. The Department assigned the application number T-10006.
- 2. On November 6, 2008, the Department issued a final order approving an extension of time for completing construction and applying full beneficial use of water under Permit G-13891. The new date of for complete construction and application of full beneficial use of water is October 1, 2030.
- The permit to be amended is as follows:

Permit:

G-13891, in the name of Clive Cook

Use:

Irrigation of 88.91 acres

Priority Date: November 17, 1999

Quantity:

Not to exceed a maximum cumulative total of 1.11 cubic feet per second

(cfs), being 1.05 cfs for irrigation and 0.75 cfs for nursery operations

Rate/Duty:

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to

ONE-FORTIETH of one cubic foot per second (or its equivalent) and

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.

5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Source:

Two wells in the Molalla River Basin.

Period of Use: March 1 through October 31 for irrigation and year round for nursery

operations.

Date of Complete Application of Water:

October 1, 2030

Authorized Points of Appropriation:

Tow	nship	Ra	nge	Meridian	Sec	1/4	1/4	Measured distances
4	s	1	Е	W.M.	17	SW	NW	Well 2 - 2560 feet South and 60 feet East from the NW Corner of Section 17.
4	s	1	Е	W.M.	18	SE	NE	Well 1 - 1680 feet South and 60 feet West from the NW Corner of Section 17.

Authorized Place of Use:

IRRIGATION											
Tow	nship Range		Meridian	Sec	1/4	1/4	Acres				
4	S	1	Е	W.M.	17	SW	NW	25.91			
4	S	1	Е	W.M.	17	SE	NW	5.88			
4	S	1	Е	W.M.	17	NE	SW	2.19			
4	S	1	Е	W.M.	17	NW	SW	4.88			
4	S	1	Е	W.M.	18	NE	NE	12.73			
4	S	1	Е	W.M.	18	SW	NE	15.54			
4	S	1	Е	W.M.	18	SE	NE	16.78			

NURSERY USE										
Tow	nship	Range		Meridian	Sec	1/4 1/4		Acres		
4	S	1	E	W.M.	17	SW	NW	5.00		

4. Permit Amendment Application T-1006 proposes twenty-one additional points of appropriation located:

Tow	nship	Ra	nge	Meridian	Sec	1/4 1/4		Tax Lot	Measured distances
4	S	1	Е	W.M.	17	sw	NW	00601	Well 14 - 1600 feet South and 300 feet East from the NW Corner of Section 17.
4	S	.1	E	W.M.	17	sw	NW	00601	Well 15 - 1550 feet South and 1250 feet East from the NW Corner of Section 17.

Tow	nship	Rai	nge	Meridian	Sec	1/4	1/4	Tax Lot	Measured distances
4	S	1	Е	W.M.	17	sw	NW	00800	Well 16 - 2420 feet South and 350 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	17	sw	NW	00800	Well 17 - 1920 feet South and 300 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	17	sw	NW	00800	Well 18 - 1820 feet South and 400 feet East from the NW Corner of Section 17.
4	s	1	Е	W.M.	17	sw	NW	00800	Well 19 - 2075 feet South and 1200 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	17	sw	NW	00800	Well 23 - 2500 feet South and 800 feet East from the NW Corner of Section 17.
4	s	1	Е	W.M.	17	SE	NW	00800	Well 20 - 2500 feet South and 1500 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	17	SE	NW	00800	Well 21 - 2050 feet South and 1400 feet East from the NW Corner of Section 17.
4	S	1	E	W.M.	17	SE	NW	00800	Well 22 - 1700 feet South and 1500 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	17	NE	sw	00100	Well 12 - 2890 feet South and 1500 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	17	NW	sw	00100	Well 11 - 2880 feet South and 800 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	17	NW	sw	00100	Well 13 - 2600 feet South and 938 feet East from the NW Corner of Section 17.
4	S	1	Е	W.M.	18	NE	NE	00100	Well 3 - 50 feet South and 400 feet West from the NE Corner of Section 18.
4	S	1	Е	W.M.	18	sw	NE	00300	Well 6 - 2100 feet South and 1420 feet West from the NE Corner of Section 18.
4	S	1	Е	W.M.	18	sw	NE	00300	Well 8 - 2000 feet South and 1900 feet West from the NE Corner of Section 18.
4	S	1	Е	W.M.	18	sw	NE	00300	Well 9 - 2100 feet South and 2150 feet West from the NE Corner of Section 18.

Tow	nship	Ra	nge	Meridian	Sec	1/4	1/4	Tax Lot	Measured distances
4	s	1	Е	W.M.	18	sw	NE	00600	Well 4 - 2450 feet South and 1680 feet West from the NE Corner of Section 18.
4	S	1	Е	W.M.	18	sw	NE	00600	Well 5 - 2200 feet South and 1750 feet West from the NE Corner of Section 18.
4	S	1	Е	W.M.	18	SE	NE	00300	Well 7 - 2100 feet South and 50 feet West from the NE Corner of Section 18.
4	s	1	Е	W.M.	18	SE	NE	00300	Well 10 - 2100 feet South and 700 feet West from the NE Corner of Section 18.

- 5. Notice of the application for the permit amendment was published in the Department's weekly notice on September 20, 2005, and in the Canby Herald newspaper on March 3, 10, and 17, 2010, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 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 additional points of appropriation proposed by Permit Amendment Application T-10006 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

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

- 1. The combined quantity of water diverted at the new 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 additional points of appropriation, the permittee shall install meters or other suitable measuring devices as approved by the Director. The permittee shall maintain the meters or measuring devices in good working order.

The permittee shall allow the watermaster access to the meters or measuring devices; 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-13891 and the final order approving the extension of time remain the same.
- 5. Permit G-13891, in the name of Clive Cook, is amended as described herein.

Dated at Salem, Oregon this 21 day of 4, 2010.

hillip C. Ward,

Mailing Date:

APR 2 3 2010