

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

In the Matter of Permit Amendment         )  
T-10706, Polk County                         )     **FINAL ORDER**  
  )     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**

WALLING PROPERTIES  
P.O. BOX 12828  
SALEM OR 97309

**Findings of Fact**

***Background***

1. On August 27, 2008, WALLING PROPERTIES filed an application to change the point of appropriation of Well 1 under Permit G-15596. The Department assigned the application number T-10706.
2. On November 16, 2010, an extension of time for complete application of water for beneficial use was approved for Permit G-15596. The new completion date is October 1, 2023.
3. The permit to be amended is as follows:

**Permit:** G-15596 in the name of WALLING PROPERTIES LLC  
**Use:** COMMERCIAL AND INDUSTRIAL  
**Priority Date:** JANUARY 23, 2002  
**Quantity:** 17.8 CUBIC FEET PER SECOND  
**Period of Use:** YEAR ROUND  
**Source:** WELLS 1, 2, 3, AND 4, within the WILLAMETTE RIVER BASIN

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:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	3 W	WM	15	NE NW	WELL 1 - 420 FEET SOUTH AND 1700 FEET EAST FROM THE NW CORNER OF SECTION 15
7 S	3 W	WM	15	NW NW	WELL 2 - 315 FEET SOUTH AND 1160 FEET EAST FROM THE NW CORNER OF SECTION 15
7 S	3 W	WM	15	SE NW	WELL 3 - 1355 FEET SOUTH AND 1905 FEET EAST FROM THE NW CORNER OF SECTION 15
7 S	3 W	WM	15	NW NW	WELL 4 - 200 FEET SOUTH AND 100 FEET EAST FROM THE NW CORNER OF SECTION 15

**Authorized Place of Use:**

COMMERCIAL AND INDUSTRIAL USES				
Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	10	SW NE
7 S	3 W	WM	10	SE NW
7 S	3 W	WM	10	NE SW
7 S	3 W	WM	10	NW SW
7 S	3 W	WM	10	SW SW
7 S	3 W	WM	10	SE SW
7 S	3 W	WM	10	NW SE
7 S	3 W	WM	10	SW SE
7 S	3 W	WM	15	NW NE
7 S	3 W	WM	15	SW NE
7 S	3 W	WM	15	NE NW
7 S	3 W	WM	15	NW NW
7 S	3 W	WM	15	SW NW
7 S	3 W	WM	15	SE NW
7 S	3 W	WM	15	NE SW
7 S	3 W	WM	15	NW SW
7 S	3 W	WM	15	SE SW
7 S	3 W	WM	15	NW SE
7 S	3 W	WM	16	NE NE
7 S	3 W	WM	16	NW NE

4. Permit Amendment Application T-10706 proposes to move the authorized point of appropriation for Well 1 approximately 950 feet South from the existing point of appropriation of Well 1 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	3 W	WM	15	SE NW	POND WELL 1 - 1340 FEET SOUTH AND 1630 FEET EAST FROM THE NW CORNER OF SECTION 15

5. Notice of the application for the permit amendment was published in the Department's weekly notice on September 2, 2008 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

**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 for Well 1 proposed by Permit Amendment Application T-10706 is consistent with the requirements of ORS 537.211.

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

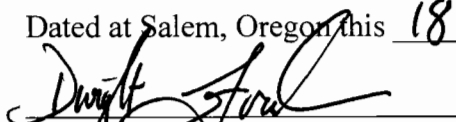
The change and subsequent use of water shall be subject to the following conditions:

1. The 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.
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, 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.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of both Permit G-15596 and the Final Order approving the extension of time for Permit G-15596, signed November 16, 2010, remain the same.
5. Permit G-15596, in the name of WALLING PROPERITES, LLC is amended as described herein.

Dated at Salem, Oregon this 18 day of November, 2010.

  
Dwight French for  
PHILIP C. WARD, DIRECTOR

Mailing Date: NOV 19 2010