

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING
T-9738, Yamhill County) AN ADDITIONAL POINT OF
) APPROPRIATION

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

Red Hills Homeowners Association
P.O. Box 534
Dundee, Oregon 97115

Findings of Fact

1. Red Hills Homeowners Association filed an application to add a point of appropriation (Deepened Well #1) to the quantity of water apportioned to authorized Well #2 (being 0.127 cubic foot per second) under Permit G-13671. The Department assigned the application number T-9738.
2. The permit to be amended is as follows:
Permit: G-13671, in the name of Red Hills Homeowners Association
Use: Irrigation
Priority Date: August 14, 1998
Quantity: 0.127 cubic foot per second (cfs)
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Acres: 16.0 acres
Source: Well #2, in the Willamette River Basin.
Date of Complete Application of Water: October 1, 2013

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order other than a 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.

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Location	Allowed Quantity of Water
3	S	3	W	W.M.	26	NW NE	Well #2 – 500 feet South and 1350 feet West from the NE Corner of Section 26.	0.127 CFS

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	S	3	W	W.M.	26	NE NE	7.0
3	S	3	W	W.M.	26	NW NE	9.0

- Application T-9738 proposes to add a point of appropriation (Deepened Well #1) to the quantity of water apportioned to authorized Well #2 under the permit. The proposed point of appropriation is located as follows:

Township		Range		Meridian	Sec	¼ ¼	Location
3	S	3	W	W.M.	26	NW NE	Deepened Well #1 - 75 feet South and 1650 feet West from the NE Corner of Section 26.

- Notice of the application for permit amendment was published on June 22, 2004, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- A Department staff hydrogeologist determined on June 2, 2006, that both wells (Well #2 and Deepened Well #1) appropriate water from the same aquifer.
- Because both wells are in the same aquifer, as described in Finding #5 above, the change would not result in injury to other water rights provided that the permit amendment is conditioned to limit the rate of water appropriated from either well or a combination of both wells to the maximum rate of appropriation allowed from Well #2 under Permit G-13671 and to establish the reference levels for both wells (See Conditions #1, #4 and #5 below).
- The change does not enlarge the permit.
- The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-9738 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 combined quantity of water appropriated at the new point of appropriation (Deepened Well #1), together with that appropriated at the authorized point of appropriation (Well #2), shall not exceed the maximum rate of appropriation allowed for Well #2 (being 0.127 cfs) under Permit G-13671.
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 authorized point of appropriation (Well #2).
4. The Department has established that the reference level for Deepened Well #1 (Well logs YAMH 4548 and YAMH 53743) is 420 feet below land surface.
5. The Department has established that the reference level for Well #2 (Well logs YAMH 121 and YAMH 50706) is 359 feet below land surface.
6. All other terms and conditions of Permit G-13671 remain the same.
7. Permit G-13671, in the name of Red Hills Homeowners Association, is amended as described herein.

Dated at Salem, Oregon this 21st day of June, 2006.


Phillip C. Ward
Director

Mailing Date: JUN 23 2006