

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

In the Matter of Permit Amendment) FINAL ORDER
T-13064, Linn County) APPROVING A CHANGE IN POINTS
) OF APPROPRIATION

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

MAYFIELD FARMS LLC
18555 SW TETON AVE
TUALATIN, OR 97062

Findings of Fact

1. On November 15, 2018, MAYFIELD FARMS LLC filed an application to change the points of appropriation under Permit G-17532. The Department assigned the application number T-13064.
2. On November 16, 2018, the Department approved an assignment of the permit from Valley Falls Farm LLC to Mayfield Farms LLC.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on November 20, 2018, and in the Albany Democrat Herald newspaper on January 25, and February 1, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. On December 10, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by January 8, 2019.
5. On December 18, 2018, the applicant's agent submitted a revised Table 1 and map, resolving the deficiencies.

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.

6. Permit Amendment Application T-13064 proposes to move the authorized points of appropriation of original Wells 2, 3, 4, and 5 to:

Twps	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original points of appropriation in feet (ft.)
10 S	3 W	WM	18	NW NE	70	WELL 5 - 1320 FEET SOUTH AND 2420 FEET WEST FROM THE NE CORNER OF SECTION 18	2440 ft.
10 S	3 W	WM	18	SW NE	70	WELL 2 - 2345 FEET SOUTH AND 1530 FEET WEST FROM THE NE CORNER OF SECTION 18	354 ft.
10 S	3 W	WM	18	NW SE	70	WELL 3 - 1980 FEET NORTH AND 2485 FEET WEST FROM THE SE CORNER OF SECTION 18	2147 ft.
10 S	3 W	WM	18	NW SE	70	WELL 4 - 1375 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 18	2726 ft.

Permit Amendment Review Criteria

7. The changes would not result in injury to other water rights.
8. The changes do not enlarge the permit.
9. The changes do not alter any other terms of the permit.

Conclusions of Law

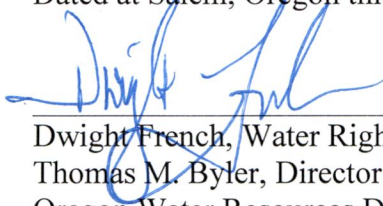
The change in points of appropriation proposed by Permit Amendment Application T-13064 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation proposed by Permit Amendment Application T-13064 is approved.
2. Permit G-18188, in the name of MAYFIELD FARMS LLC, is issued to replace Permit G-17532, and incorporates the amendments approved by this order, and the assignment. Permit G-17532, in the name of MAYFIELD FARMS LLC, is no longer of any force or effect.
3. The quantity of water diverted at the new points of appropriation (Proposed Wells 2, 3, 4, and 5), shall not exceed the quantity of water lawfully available at the original points of appropriation (Original Wells 2, 3, 4, and 5).

4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are 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 points of appropriation.
6. All other terms and conditions of Permit G-18188 remain the same.

Dated at Salem, Oregon this MAR 12 2019.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: MAR 13 2019