BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment)	FINAL ORDER
T-10626, Clackamas County)	APPROVING AN ADDITIONAL
)	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

ELEANORE BOECKMAN 6901 S. SCHNEIDER ROAD CANBY, OR 97013

Findings of Fact

Background

- 1. On May 9, 2008, Eleanore Boeckman filed an application to amend the point of appropriation under Permit G-15564. The Department assigned the application number T-10626.
- The permit to be amended is as follows:

Permit:

G-15564 (Application G-15900), in the names of ELEANORE AND

RALPH BOECKMAN

Use:

IRRIGATION of 18.0 ACRES

Priority Date: DECEMBER 27, 2002

Quantity:

0.225 CUBIC FOOT PER SECOND (CFS)

Period of Use: MARCH 1 through OCTOBER 31

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 a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each

acre irrigated during the irrigation season of each year.

Source:

A WELL in the Rock Creek Basin

Date of Complete Application of Water:

October 1, 2008

This is a final order in 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 137-004-0080, you may 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 Point of Appropriation:

Twp	Rng	Mer	Sec	1/4 1/4	Location
5 S	1 E	WM	18	SE NE	CLAC 2550 & CLAC 2549 (deepening) – 1120 feet South and 600 feet West from the North 1/16 th corner between Sections 17 and 18

Authorized Place of Use:

Twp	Rng	Mer	Sec	1/4 1/4	Acres
5 S	1 E	WM	18	SE NE	18.0

3. The Department received the following information that better defines the existing authorized point of appropriation as follows:

Twp	Rng	Mer	Sec	1/4 1/4	Tax Lot	Location
5 S	1 E	WM	18	SE NE	200	CLAC 2550 & CLAC 2549 (deepening) – 83 feet North and 593 feet West from the East ¼ corner of Section 18

4. Application T-10626 proposes to add a point of appropriation to the permit, located approximately 100 feet southwest from the authorized point of appropriation, as follows:

Twp	Rng	Mer	Sec	1/4 1/4	Tax Lot	Location
5 S	1 E	WM	18	SE NE	200	CLAC 60296 – 65 feet North and 680 feet West from the East ¼ corner of Section 18

- 5. Notice of the application for the permit amendment was published in the Department's weekly notice on May 20, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 6. The change would not result in injury to other water rights.
- 7. The change, as conditioned, does not enlarge the permit.
- 8. 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-10626 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 diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 2. Water appropriated from the new point of appropriation shall be acquired from the same ground water source as the original point of appropriation.
- 3. Prior to water use under this permit, 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 meters or measuring devices are 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.

- 4. All other terms and conditions of Permit G-15564 remain the same.
- 5. Permit G-15564, in the name of Eleanore and Ralph Boeckman, is amended as described herein.

Dated at Salem, Oregon this 12th day of September, 2008.

Phillip C. Ward, Director

Mailing Date: SEP 1 7 2008