# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

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In the Matter of Permit Amendment T-11551, Jefferson County

FINAL ORDER 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

A J DAIRY LLC 15873 MARQUAM RD MOUNT ANGEL, OR 97362

## **Findings of Fact**

- 1. On March 21, 2013, A.J. DAIRY LLC filed an application for an additional point of appropriation under Permit G-12367. The Department assigned the application number T-11551.
- 2. On October 30, 2012, the Department approved an assignment of the permit to A.J. Dairy LLC.
- 3. On November 16, 2012, the Department approved an extension of time for complete application of water to October 1, 2014.
- 4. Notice of the application for the permit amendment was published in the Department's weekly notice on April 2, 2013, and in the Bend Bulletin newspaper on January 15 and 22, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- Permit Amendment Application T-11551 proposes an additional point of appropriation between approximately 2850 feet from Well 7 and 4162 feet from Well 5. Wells 5 and 7 being the authorized points of appropriation. The location of the proposed well is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	14 E	WM	33	SW SE	WELL 4 - 420 FEET NORTH AND 2240 FEET WEST FROM THE SE CORNER OF SECTION 33.

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.

## 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 additional point of appropriation proposed by Permit Amendment Application T-11551 is consistent with the requirements of ORS 537.211.

## Now, therefore, it is ORDERED:

- 1. The additional point of appropriation proposed by Permit Amendment Application T-11551 is approved.
- 2. Permit G-17116, in the name of A.J. DAIRY LLC, is issued to replace Permit G-12367, and incorporates the amendments approved by this order, the extension of time, and assignments. Permit G-12367, in the name of A J DAIRY LLC, is no longer of any force or effect.
- 3. The combined quantity of water diverted at the new point 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.
- 4. Water use measurement conditions:

a. Before water use from the proposed additional point of appropriation 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 the new point of appropriation.

b. The water user shall maintain the meter or measuring device in good working order.

c. The water user 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.

- 5. Water shall be acquired from the same aquifer as the original points of appropriation.
- 6. All other terms and conditions of Permit G-17116 remain the same.

Dated at Salem, Oregon this <u>29</u> day of January, 2014.

Bwight French, Water Right Services Administrator, for PHILLIP C. WARD, DIRECTOR Mailing Date: