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

)

)

In the Matter of Permit Amendment	
T-12026, Clackamas County	

FINAL ORDER APPROVING A

CHANGE IN POINT 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

DOW AGROSCIENCES TYLER SPURGEON 32905 S MORCOM STREET WOODBURN, OR 97071

#### **Findings of Fact**

- 1. On April 7, 2015, TYLER SPURGEON, DOW AGROSCIENCES filed an application to change the point of appropriation under Permit G-17284. The Department assigned the application number T-12026.
- 2. Notice of the application for the permit amendment was published in the Department's weekly notice on April 14, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- 3. Permit Amendment Application T-12026 proposes to move the authorized point of appropriation approximately 938 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	14	SW SE	650 FEET NORTH AND 2200 FEET WEST FROM THE SE CORNER OF SECTION 14

## Permit Amendment Review Criteria

- 4. The change would not result in injury to other water rights.
- 5. The change does not enlarge the permit.

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. The change does not alter any other terms of the permit.

# **Conclusions of Law**

The change in point of appropriation proposed by Permit Amendment Application T-12026 is consistent with the requirements of ORS 537.211.

## Now, therefore, it is ORDERED:

- 1. The change in point of appropriation proposed by Permit Amendment Application T-12026 is approved.
- 2. Permit G-17481, in the name of Dow Agrosciences, is issued to replace Permit G-17284, and incorporates the amendments approved by this order. Permit G-17284, in the name of DOW AGROSCIENCES, is no longer of any force or effect.
- 3. 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.
- 4. Water shall be acquired from the same aquifer as the original point of appropriation.
- 5. All other terms and conditions of Permit G-17284 remain the same.

Dated at Salem, Oregon this \_\_\_\_\_ day of August, 2015.

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

Mailing Date: AUG 07 2015