

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

In the Matter of Permit Amendment	)	FINAL ORDER APPROVING
T-12490, Clackamas County	)	ADDITIONAL 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**

ELSINORE DEVELOPMENT GROUP LLC  
C/O CHRIS EGGERT  
9955 SW POTANO ST  
TUALATIN OR 97062

**Findings of Fact**

1. On September 23, 2016, Elsinore Development Group LLC, c/o Chris Eggert, filed an application for additional points of appropriation under Permit G-15973 and G-16070. The Department assigned the application number T-12490.
2. On December 19, 2014, the Department approved an extension of time for complete application of water under Permit G-15973 to October 30, 2025.
3. On August 7, 2015, the Department approved an extension of time for complete application of water under Permit G-16070 to October 30, 2023.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on October 4, 2016, and in the Wilsonville Spokesman newspaper on February 14 and 21, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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.

5. Permit Amendment Application T-12490 proposes additional points of appropriation under Permit G-15973 approximately located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Measured distance from authorized wells
3 S	1 W	WM	28	SW SE	KURTH WELL 1 - 665 FEET NORTH AND 1770 FEET WEST FROM THE SE CORNER OF SECTION 28	Well 1: 0.4 mi Well 2: 0.4 mi Well 3: 0.5 mi
3 S	1 W	WM	28	SW SE	KURTH WELL 2 - 685 FEET NORTH AND 1600 FEET WEST FROM THE SE CORNER OF SECTION 28	Well 1: 0.5 mi Well 2: 0.5 mi Well 3: 0.5 mi

6. Permit Amendment Application T-12490 under Permit G-16070 proposes additional points of appropriation approximately located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Measured distance from authorized wells
3 S	1 W	WM	28	SW SE	KURTH WELL 1 - 665 FEET NORTH AND 1770 FEET WEST FROM THE SE CORNER OF SECTION 28	Well 1: 0.1 mi Well 2: 0.2 mi Well 3: 0.3 mi
3 S	1 W	WM	28	SW SE	KURTH WELL 2 - 685 FEET NORTH AND 1600 FEET WEST FROM THE SE CORNER OF SECTION 28	Well 1: 0.2 mi Well 2: 0.2 mi Well 3: 0.3 mi
3 S	1 W	WM	28	SW SW	WHITE WELL 1 - 30 FEET NORTH AND 1200 FEET EAST FROM THE SW CORNER OF SECTION 28	Well 1: 0.4 mi Well 2: 0.3 mi Well 3: 0.2 mi

#### ***Permit Amendment Review Criteria***

- The changes would not result in injury to other water rights.
- The changes do not enlarge the permits.
- The changes do not alter any other terms of the permits.

#### **Conclusions of Law**

The additional points of appropriation proposed by Permit Amendment Application T-12490 are consistent with the requirements of ORS 537.211.

#### **Now, therefore, it is ORDERED:**

- The additional points of appropriation proposed by Permit Amendment Application T-12490 are approved.
- Permit G-17974, in the name of Elsinore Development Group LLC, is issued to replace Permit G-15973, and incorporates the amendments approved by this order and the extension of time. Permit G-15973, in the name of Elsinore Development Group LLC, is no longer of any force or effect.
- Permit G-17975, in the name of Elsinore Development Group LLC, is issued to replace Permit G-16070, and incorporates the amendments approved by this order and the extension

of time. Permit G-16070, in the name of Elsinore Development Group LLC, is no longer of any force or effect.

4. The combined quantity of water diverted at the new points 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.
5. Measurement, recording and reporting conditions:
  - a. Before water use may begin under this permit, the permittee shall install and maintain a properly functioning totalizing flow. The permittee shall maintain the meter in good working order, 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.
  - b. 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.
6. Water shall be acquired from the same aquifer as the original points of appropriation.
7. All other terms and conditions of Permits G-17974 and G-17975 remain the same.

Dated at Salem, Oregon this day MAR 05 2018.



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

Mailing Date: MAR 06 2018