

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

In the Matter of Permit Amendment) **FINAL ORDER**
 T-9682, Clackamas County) REJECTING ADDITIONAL
) POINTS OF APPROPRIATION

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

Clackamas County
 Attn: Dan Zinzer
 9101 SE Sunnybrook Blvd.
 Clackamas, OR 97015

Findings of Fact

1. On March 25, 2004, Clackamas County filed an application to add four additional points of appropriation under Permit G-13947. The Department assigned the application number T-9682.
2. The permit to be amended is as follows:

Permit: G-13947, in the name of COUNTY OF CLACKAMAS; DAN ZINZER
Use: IRRIGATION and MAINTENANCE of FOUR RESERVOIRS constructed under Permit R-11390
Priority Date: JULY 21, 2000
Quantity: 1.859 CUBIC FEET PER SECOND (CFS), being 1.52 cfs for irrigation and 0.339 cfs for reservoir maintenance
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 ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Acres: 121.32 ACRES
Source: TWO WELLS, in the BEAVER CREEK BASIN
Date of Complete Application of Water: OCTOBER 1, 2014

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.

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
3	S	2	E	W.M.	21	NE	NW	Well A – South 13° West 1110.572 feet from the North ¼ corner of Section 21
3	S	2	E	W.M.	21	NE	NW	Well B (as modified by Special Order Volume 56, Pages 2057 through 2059) – South 57° West 640.4 feet from the North ¼ corner of Section 21

Authorized Place of Use:

Irrigation									
Township		Range		Meridian	Sec	¼ ¼		Acres	
3	S	2	E	W.M.	16	SW	SW	0.23	
3	S	2	E	W.M.	16	SE	SW	2.82	
3	S	2	E	W.M.	16	SW	SE	0.53	
3	S	2	E	W.M.	21	NE	NE	0.50	
3	S	2	E	W.M.	21	NW	NE	33.27	
3	S	2	E	W.M.	21	SW	NE	25.06	
3	S	2	E	W.M.	21	SE	NE	0.81	
3	S	2	E	W.M.	21	NE	NW	31.17	
3	S	2	E	W.M.	21	NW	NW	9.34	
3	S	2	E	W.M.	21	SW	NW	2.48	
3	S	2	E	W.M.	21	SE	NW	15.11	

Reservoir Maintenance								
Township		Range		Meridian	Sec	¼ ¼		Reservoir Name(s)
3	S	2	E	W.M.	21	NE	NE	Pond A
3	S	2	E	W.M.	21	NW	NE	Pond A
3	S	2	E	W.M.	21	NE	NW	Ponds B, C and D
3	S	2	E	W.M.	21	NW	NW	Pond D

3. Application T-9682 proposes additional points of appropriation located as follows:

Township		Range		Meridian	Sec	¼ ¼		Location
3	S	2	E	W.M.	21	NE	NW	Well 3 – 1230 feet South and 2330 feet East of the NW corner of Section 20
3	S	2	E	W.M.	21	NE	NW	Well 4 – 1230 feet South and 2030 feet East of the NW corner of Section 20
3	S	2	E	W.M.	21	NE	NW	Well 5 – 460 feet South and 1820 feet East of the NW corner of Section 20
3	S	2	E	W.M.	21	SE	NW	Well 6 – 1870 feet South and 1800 feet East of the NW corner of Section 20

4. Notice of the application for permit amendment was published on April 20, 2004, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. A Department staff hydrogeologist determined on July 12, 2004, that the proposed additional points of appropriation (wells) do not appropriate water from the same ground water source (ground water aquifer) as the authorized wells under Permit G-13947.
6. Based upon the determination described in Finding #5, the Department cannot make a finding of non-injury to other water rights.
7. Based upon the determination described in Finding #5, the Department cannot make a finding of non-enlargement.
8. The proposed change would not alter the terms of the permit.
9. On May 22, 2006, the Department issued a draft final order proposing rejection of Permit Amendment Application T-9682 and sent a copy to the applicant. The draft final order set forth a deadline of June 21, 2006, in which the applicant was given an opportunity to respond and amend the application or provide additional evidence that could impact the Department's final decision. The Department did not receive any such response from the applicant regarding the draft final order for Permit Amendment T-9682.

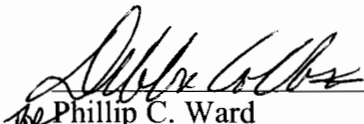
Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-9682 are **not** consistent with the requirements of ORS 537.211, as described in Findings #5, #6 and #7 above.

Now, therefore, it is ORDERED:

Permit Amendment T-9682, in the name of Clackamas County; Dan Zinzer, is rejected.

Dated at Salem, Oregon this 27th day of June, 2006.



Phillip C. Ward
Director

Mailing Date: JUL 1 1 2006