

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

In the Matter of Permit Amendment) **FINAL ORDER**
T-12012, Union County) **APPROVING 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

SSD LANDS LLC
STEVE DERUYTER
2300 KRUSE ROAD
PASCO WA 99301

Findings of Fact

1. On March 18, 2015, SSD LANDS LLC, STEVE DERUYTER, filed an application for additional points of appropriation under Permit G-13678. The Department assigned the application number T-12012.
2. On July 22, 2004, the Department approved an extension of time for complete application of water to October 1, 2013.
3. On June 4, 2013, the Department approved an assignment of the permit from Don Buerkel to SSD Lands LLC (Steve DeRuyter).
4. On January 3, 2014, the Department approved an extension of time for complete application of water to October 1, 2018.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on March 24, 2015, and in the LaGrande Observer newspaper on July 1 and 8, 2015, 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.

6. Permit Amendment Application T-12012 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from authorized point of appropriation
5 S	39 E	WM	21	NE NE	WELL 2 (UNIO 52411) - 50 FEET SOUTH AND 390 FEET WEST FROM THE NE CORNER OF SECTION 20.	1580 feet
5 S	39 E	WM	20	SE NE	WELL 3 (UNIO 52490) - 2100 FEET SOUTH AND 1170 FEET WEST FROM THE NE CORNER OF SECTION 20.	2420 feet

Permit Amendment Review Criteria

- 7. The change would not result in injury to other water rights.
- 8. The change does not enlarge the permit.
- 9. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-12012 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

- 1. The additional points of appropriation proposed by Permit Amendment Application T-12012 are approved.
- 2. Permit G-17442, in the name of SSD LANDS LLC (SHARON AND STEVE DERUYTER), is issued to replace Permit G-13678, and incorporates the amendments approved by this order, the extensions of time, and the assignment. Permit G-13678, in the name of SSD LANDS LLC (SHARON AND STEVE DERUYTER), is no longer of any force or effect.
- 3. The combined quantity of water diverted at the new points 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.
- 4. Water use measurement conditions:
 - a. Before water use 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 each point of appropriation (new and existing).
 - b. The water user shall maintain the meter(s) or measuring device(s) in good working order.

c. The water user shall allow the Watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) are 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 point of appropriation.

6. All other terms and conditions of Permit G-17442 remain the same.

Dated at Salem, Oregon this 17 day of August, 2015.



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

Mailing date: AUG 19 2015