

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

In the Matter of Permit Amendment)
T-10000, Yamhill County) **FINAL ORDER**
) APPROVING A CHANGE IN POINTS
) 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

Kenneth L. Evenstad
6701 Evenstad Drive
Maple Grove MN 55369

Findings of Fact

1. On August 31, 2005, Kenneth L. Evenstad filed an application to change the points of appropriation of Wells 3 and 4 under Permit G-13896. The Department assigned the application number T-10000.

2. The permit to be amended is as follows:
Permit: G-13896, in the name of Kenneth L. Evenstad
Use: Irrigation of 80.8 acres and commercial use
Priority Date: April 19, 2000
Quantity: Not to exceed a maximum cumulative total of 0.501 cubic foot per second (cfs), being 0.501 cfs for irrigation and 0.334 cfs for commercial use, further limited to 0.167 cfs from each well
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) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Source: Three wells, in the Hess Creek Basin.
Date of Complete Application of Water: October 1, 2010

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 Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
3	S	3	W	W.M.	33	SE	NW	Well 2 – 1450 feet South and 1375 feet East from the NW Corner of Section 33.
3	S	3	W	W.M.	33	NW	SW	Well 3 – 2950 feet South and 1130 feet East from the NW Corner of Section 33.
3	S	3	W	W.M.	33	SW	NW	Well 4 – 2520 feet South and 1020 feet East from the NW Corner of Section 33.

Authorized Place of Use:

IRRIGATION AND COMMERCIAL USE									
Township		Range		Meridian	Sec	¼ ¼		Acres	Commercial
3	S	3	W	W.M.	33	NE	NW	0.7	
3	S	3	W	W.M.	33	NW	NW	29.0	X
3	S	3	W	W.M.	33	SW	NW	32.0	
3	S	3	W	W.M.	33	SE	NW	9.5	
3	S	3	W	W.M.	33	NE	SW	5.7	
3	S	3	W	W.M.	33	NW	SW	3.9	

3. Application T-10000 proposes to change the points of appropriation of Wells 3 and 4 under the permit to:

Township		Range		Meridian	Sec	¼ ¼		Location
3	S	3	W	W.M.	33	NW	NW	Well 3 – 605 feet South and 1115 feet East from the NW Corner of Section 33.
3	S	3	W	W.M.	33	NW	NW	Well 4 – 940 feet South and 1240 feet East from the NW Corner of Section 33.

4. Notice of the application for the permit amendment was published in the Department’s weekly notice on September 13, 2005, and in the News Register newspaper on August 28, September 4 and 11, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-10000 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:


The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and 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.

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.

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-13896 remain the same.
5. Permit G-13896, in the name of Kenneth L. Evenstad, is amended as described herein.

Dated at Salem, Oregon this 19th day of September, 2008.


Phillip C. Ward,
Director

Mailing Date: SEP 24 2008