

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

In the Matter of Permit Amendment) **FINAL ORDER**
T-10950, Linn County) APPROVING A CHANGE IN PLACE
) OF USE

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

Applicant

MT JEFFERSON FARMS, INC.
PO BOX 12708
SALEM, OR 97309

Findings of Fact

Background

1. On September 9, 2009, MT. JEFFERSON FARMS, INC. filed an application to change the place of use under Permit S-54440. The Department assigned the application number T-10950.
2. Permit Amendment Application T-10950 proposes to change the place of use of the permit to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Gl.ot	DLC	Acres
10 S	2 W	WM	11	NE NW			6.0
10 S	2 W	WM	11	SW NW	2	54	2.9
10 S	2 W	WM	11	SE NW	2	54	36.8
10 S	2 W	WM	11	NE SW			40.0
10 S	2 W	WM	11	NW SW			5.4
10 S	2 W	WM	11	NE SE			19.9
10 S	2 W	WM	11	NW SE			18.8
10 S	2 W	WM	11	SW SE			11.3
10 S	2 W	WM	12	NW SW			6.2

The changed place of use is in bold type

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.

3. Notice of the application for the permit amendment was published in the Department's weekly notice on September 29, 2009 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. A portion of the proposed lands are to be also covered by rights transferred in under Transfer Application T-10117. On September 9, 2009, the applicant submitted a letter agreeing to diminish Permit S-54440 to supplemental irrigation on those lands covered by the rights transferred by T-10117.

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The proposed place of use is owned and/or controlled by the permit holder.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.
9. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-10950 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 former place of use shall no longer be irrigated as part of this permit.
2. Permit S-54740, in the name of MT. JEFFERSON FARMS, INC. is issued to replace Permit S-54440, and incorporates the amendment approved by this order. Permit S-54440, in the name of MT. JEFFERSON FARMS, INC. is no longer of any force or effect.
3. All other terms and conditions of Permit S-54740 remain the same.

Dated at Salem, Oregon this 13 day of January, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: **JAN 18 2012**