

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING ADDITIONAL
T-14310, Clackamas County) 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

BRENDON AND HEATHER SCHLOE
1287 N FIR ST
CANBY, OR 97013

Findings of Fact

1. On August 18, 2023, BRENDON AND HEATHER SCHLOE filed an application for additional points of appropriation under Permit G-18834. The Department assigned the application number T-14310.
2. On January 8, 2022, the Department approved an extension of time for complete application of water to October 1, 2025.
3. On April 21, 2022, the Department approved an assignment of the permit from Kathleen Cutsforth to Brendon and Heather Schloe.
4. On May 25, 2023, the Department approved a previous Permit Amendment application (T-13985) for change in point of appropriation and an additional point of appropriation recorded at Special Order Volume 128, Pages 417-419.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on August 29, 2023, pursuant to ORS 540.520(5).

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 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-14310 proposes additional points of appropriation between approximately 435 feet and 785 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	21	SE SW	WELL 3 - 30 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 21
3 S	1 E	WM	21	SE SW	WELL 4 - 40 FEET NORTH AND 1965 FEET EAST FROM THE SW CORNER OF SECTION 21

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-14310 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-14310 are approved.
- 2. Approval of this permit amendment application does not constitute nor grant legal access onto or through another person’s property for purposes of accessing the new points of appropriation.
- 3. Permit G-18887, in the name of BRENDON AND HEATHER SCHLOE, is issued to replace Permit G-18834, and incorporates the amendments approved by this order, the extension of time, the assignment, and the previous permit amendment (T-13985). Permit G-18834, in the name of BRENDON AND HEATHER SCHLOE, is no longer of any force or effect.
- 4. The combined quantity of water diverted at the new additional points of appropriation (Well 3 and Well 4), together with that diverted at the original points of appropriation (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 and Well 2).
- 5. 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 with the exception that water rights issued to the Bureau of Reclamation, or an irrigation district (or similar entity) are not subject to this condition.

- b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are 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 (Well 1 and Well 2).
7. All other terms and conditions of Permit G-18887 remain the same.

Dated in Salem, Oregon on **MAR 13 2024** .



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **MAR 14 2024**