

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

In the Matter of Permit Amendment) FINAL ORDER
T-13196, Clackamas County) APPROVING AN ADDITIONAL POINT
) 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

WILLAMETTE EGG FARM – CANBY
A MICHAEL FOODS, INC. COMPANY
31348 SOUTH HIGHWAY 170
CANBY, OR 97013

Findings of Fact

1. On May 31, 2019, WILLAMETTE EGG FARM – CANBY, A MICHAEL FOODS, INC. COMPANY, filed an application for an additional point of appropriation under Permit G-17001. The Department assigned the application number T-13196.
2. On May 25, 2018, the Department approved an extension of time for complete application of water to October 1, 2023.
3. Notice of the application for the permit amendment was published in the Department’s weekly notice on June 11, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. Permit Amendment Application T-13196 proposes an additional point of appropriation with approximate distances between 850 and 1310 feet from the existing points of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	9	SE NE.	WELL 4 - 1630 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 9

Permit Amendment Review Criteria

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

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.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-13196 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation (Well 4) proposed by Permit Amendment Application T-13196 is approved.
2. Permit G-18349, in the name of WILLAMETTE EGG FARM – CANBY, A MICHAEL FOODS, INC. COMPANY, is issued to replace Permit G-17001, and incorporates the amendments approved by this order and the extension of time. Permit G-17001, in the name of WILLAMETTE EGG FARMS, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation (Well 4), together with that diverted at the old points of appropriation (Well 1, Well 2, and Well 3), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1, Well 2, and Well 3).
4. Water shall be acquired from the same aquifer as the original points of appropriation (Well 1, Well 2, and Well 3).
5. All other terms and conditions of Permit G-18349 remain the same.

Dated in Salem, Oregon on JAN 28 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

JAN 29 2020

Mailing Date: _____