

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

In the Matter of Permit Amendment)	SUPERSEDING FINAL ORDER
T-11186, Marion County)	APPROVING AN ADDITIONAL POINT
)	OF APPROPRIATION AND A
)	CHANGE IN PLACE OF USE AND
)	CORRECTING A SCRIVENER'S
)	ERROR IN A PREVIOUS ORDER

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

CITY OF AUMSVILLE
STEVE OSLIE – PUBLIC WORKS
595 MAIN STREET
AUMSVILLE, OR 97325

Findings of Fact

Background

1. On January 18, 2011, CITY OF AUMSVILLE filed an application for an additional point of appropriation and to change the place of use under Permit G-10223. The Department assigned the application number T-11186.
2. On May 12, 2011, the applicant amended the application clarifying the place of use as “within the service boundaries of the City of Aumsville.”
3. The permit to be amended is as follows:

Permit: G-10223 in the name of CITY OF AUMSVILLE
Use: MUNICIPAL USE
Priority Date: APRIL 14, 1983
Quantity: 1.40 CUBIC FEET PER SECOND (CFS), BEING 0.45 CFS FROM WELL 1 AND 0.95 CFS FROM WELL 2
Source: 2 WELLS

<p>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.</p>

Authorized Points of Appropriation:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	2 W	WM	25	NE NE	WELL 1 - 920 FEET SOUTH AND 620 FEET WEST FROM THE NE CORNER, SECTION 25
8 S	2 W	WM	25	SE SW	WELL 2 - 840 FEET NORTH AND 3800 FEET WEST FROM THE SE CORNER OF SECTION 25

Authorized Place of Use:

MUNICIPAL USE				
Twtp	Rng	Mer	Sec	Q-Q
8 S	1 W	WM	30	NW NW
8 S	1 W	WM	30	SW NW
8 S	1 W	WM	30	SE NW
8 S	1 W	WM	30	NE SW
8 S	1 W	WM	30	NW SW
8 S	1 W	WM	30	SW SW
8 S	1 W	WM	30	SE SW
8 S	1 W	WM	31	NW NE
8 S	1 W	WM	31	NE NW
8 S	2 W	WM	24	SE SW
8 S	2 W	WM	24	SW SE
8 S	2 W	WM	24	SE SE
8 S	2 W	WM	25	NE NE
8 S	2 W	WM	25	NW NE
8 S	2 W	WM	25	SW NE
8 S	2 W	WM	25	SE NE
8 S	2 W	WM	25	NE NW
8 S	2 W	WM	25	SE NW
8 S	2 W	WM	25	NE SW
8 S	2 W	WM	25	SE SW
8 S	2 W	WM	25	NE SE
8 S	2 W	WM	25	NW SE
8 S	2 W	WM	25	SW SE
8 S	2 W	WM	25	SE SE

4. Permit Amendment Application T-11186 proposes an additional point of appropriation approximately 2500 feet southeast from existing point of appropriation, Well 1, and 5000 feet northeast from existing point of appropriation, Well 2. The proposed point of appropriation is located:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	1 W	WM	30	SWNW	WELL 3 - 190 FEET NORTH AND 1300 FEET EAST FROM THE E¼ CORNER OF SECTION 25

5. Permit Amendment Application T-11186 originally proposed to change the place of use of to include the following:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
8 S	1 W	WM	30	SW NE
8 S	1 W	WM	30	NW SE
8 S	1 W	WM	30	SW SE
8 S	2 W	WM	24	NE SW
8 S	2 W	WM	24	SW SW
8 S	2 W	WM	24	NW SE
8 S	2 W	WM	25	NW NW

6. Based on the applicant's request to clarify the proposed place of use, the place of use should be listed as **"within the service boundaries of the City of Aumsville."**
7. Notice of the application for the permit amendment was published in the Department's weekly notice on January 25, 2011, and in the Stayton Mail newspaper on June 1, 8, and 15, 2011, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
8. On July 1, 2011 the Department issued a Final Order for the transfer, recorded at Special Order Volume 84, Pages 637 to 640. Shortly following issuance of the order the Department recognized a scrivener's error in the description of the proposed additional point of appropriation.
9. This order is issued to correct the scrivener's error and to supersede the previous order recorded at Special Order Volume 84, Pages 637 to 640.

Permit Amendment Review Criteria

10. The changes would not result in injury to other water rights.
11. The proposed place of use is controlled by the permit holder.
12. The changes do not enlarge the permit.
13. The changes do not alter any other terms of the permit.
14. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-11186 is consistent with the requirements of ORS 537.211 and the scrivener's error in Special Order Volume 84, Pages 637 to 640 should be corrected in the record.

Now, therefore, it is ORDERED:

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

1. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the original 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 totalizing flow meter, or multiple totalizing flow meters if necessary to measure the entire rate and volume of water appropriated. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee 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.
3. The permittee shall allow the watermaster access to the meters; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.
4. Water shall be acquired from the same aquifer as the original points of appropriation..
5. All other terms and conditions of Permit G-10223 remain the same.
6. Permit G-10223, in the name of CITY OF AUMSVILLE, is amended as described herein.
7. The order entered at Special Order Volume 84, Pages 637 to 640 is withdrawn and of no further force and effect and is superseded by this order.

Dated at Salem, Oregon this 7 day of July 2011.


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

Mailing Date: JUL 08 2011