

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

In the Matter of Permit Amendment)	FINAL ORDER
T-10886, Polk County)	APPROVING A CHANGE IN POINT OF
)	APPROPRIATION AND AN
)	ADDITIONAL POINT 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

LUCKIAMUTE DOMESTIC WATER COOPERATIVE
8585 SUVER RD
MONMOUTH, OR 97361

Findings of Fact

Background

1. On May 22, 2009, LUCKIAMUTE DOMESTIC WATER COOPERATIVE filed an application for an additional point of appropriation (Well 5) and to change the point of appropriation of Well 4 under Permit G-12001. The Department assigned the application number T-10886.
2. On August 2, 2000, the Department approved an extension of time for complete application of water to October 1, 2015.
3. Permit Amendment Application T-10886 proposes to move the authorized point of appropriation of Well 4 approximately 0.8 mile south from the permitted location of Well 4 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	10	NE NW	WELL 4 - 250 FEET SOUTH AND 3550 FEET EAST FROM THE SW CORNER OF DLC 40

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.

4. Permit Amendment Application T-10886 also proposes an additional point of appropriation approximately 1.5 miles southeast from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	11	NW SE	WELL 5 - 2046 FEET NORTH AND 2014 FEET WEST FROM THE SE CORNER OF SECTION 11

5. The applicant proposes to limit the rate of diversion from proposed Well 5 to 1.0 cubic foot per second (cfs).
6. The change in point of appropriation for Well 4 will not cause injury to other water rights.
7. The Department's Groundwater Section has found that injury would occur to nearby water rights and domestic wells from the use of 1.0 cfs from proposed Well 5 unless conditioned as follows:
- A. Subordinate the use of water from proposed Well 5 to all other water rights and domestic wells with priority dates prior to May 22, 2009, the filing date of Permit Amendment Application T-10886; and
 - B. Construct and maintain an observation well in the vicinity of proposed Well 5 to allow the Department to monitor groundwater levels.
 - C. Enable the Department to conduct an aquifer test of Well 5 in order to determine more accurate site-specific properties of the source aquifer. In the event that the Department is unable to conduct the aquifer test, the permittee will still be authorized to use Well 5, as conditioned by this permit amendment.
8. On February 29, 2012, the applicant's agent sent an e-mail to the Department saying that the Board of the Luckiamute Domestic Water Cooperative agreed with the amended conditions proposed in the draft order to prevent injury to other water rights and domestic wells.
9. Notice of the application for the permit amendment was published in the Department's weekly notice on June 16, 2009, and in the Polk County Itemizer-Observer newspaper on March 21, 23, and April 4, 2012, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

10. The changes, as conditioned, will not cause injury to other water rights.
11. The changes, as conditioned, do not enlarge the permit.
12. The changes do not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-10886 are consistent, as conditioned, with the requirements of ORS 537.211.

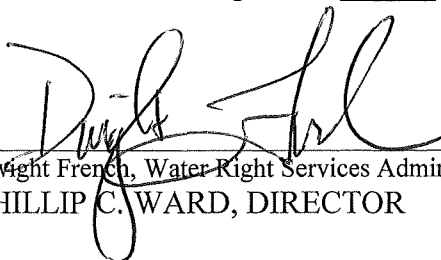
Now, therefore, it is ORDERED:

1. The change in point of appropriation and additional point of appropriation proposed by Permit Amendment Application T-10886 are approved.
2. Permit G-16896, in the name of LUCKIAMUTE DOMESTIC WATER COOPERATIVE, is issued to replace Permit G-12001, and incorporates the amendments approved by this order, and the extension of time. Permit G-12001, in the name of LUCKIAMUTE DOMESTIC WATER COOPERATIVE, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation for Well 4 shall not exceed the quantity of water lawfully available at the original points of appropriation.
4. The quantity of water diverted at the proposed point of appropriation (Well 5) shall not exceed 1.0 cubic foot per second.
5. The use of water from proposed Well 5 shall have a priority date of May 22, 2009. If the permittee in the future proposes to transfer this right to another point of appropriation, the priority date of the transferred right shall be deemed to be the priority date of Permit G-16896, unless the Department's evaluation of the potential for injury requires a similar subordination to current existing uses.
6. Prior to water use from the proposed points of appropriation, the permittee shall install a totalizing flow meter on Well 5. The 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.

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.
7. A dedicated water-level measuring tube shall be installed in the proposed Well 5. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, upon reasonable advance notice to the permittee, access to the well will be provided to Departmental staff in order to make water-level measurements.

8. A dedicated observation well shall be constructed at a distance of 100 to 300 feet from proposed Well 5 or at a different location that is agreeable to the Groundwater Section of the Water Resources Department. The well shall be constructed no later than three months after an order is issued approving Permit Amendment T-10886. The observation well shall be two inches in diameter, shall fully penetrate the sand and gravel aquifer (an expected total well depth of about 40-50 feet), and shall be screened over at least the basal 20 feet of the aquifer. The well shall not be completed in the underlying fine-grained sediments. When requested, access to the observation well will be provided to Departmental staff in order to make independent water-level measurements.
9. The Department will install and maintain a water level recording device in the observation well as resources allow.
10. The permittee shall enable the Department to conduct a 24-72 hour aquifer test of Well 5, to standards specified by the Department, within the first year after Well 5 and the observation wells are constructed. In the event that the Department is unable to conduct the aquifer test, the permittee will still be authorized to use Well 5, as conditioned under this permit amendment.
11. Water shall be acquired from the same aquifer as the original points of appropriation.
12. All other terms and conditions of Permit G-16896 remain the same.

Dated at Salem, Oregon this 20 day of April, 2012.


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

Mailing Date: APR 23 2012