

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

In the Matter of Permit Amendment)	FINAL ORDER
T-13733, Marion County)	APPROVING A CHANGE IN POINT OF
)	APPROPRIATION AND ADDITIONAL
)	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

CITY OF DONALD
PO BOX 388
DONALD, OR 97020

Findings of Fact

1. On June 14, 2021, CITY OF DONALD filed an application for additional points of appropriation and to change the point of appropriation under Permit G-9513. The Department assigned the application number T-13733.
2. On May 1, 1984, the Department approved an extension of time for complete application of water to October 1, 1988.
3. On March 8, 1989, the Department approved an extension of time for complete application of water to October 1, 1993.
4. On February 9, 1994, the Department approved an extension of time for complete application of water to October 1, 1998.
5. On December 18, 2020, the Department approved an extension of time for complete application of water to October 1, 2030.
6. Notice of the application for the permit amendment was published in the Department's weekly notice on June 29, 2021, and in the Woodburn Independent newspaper on February 14 and 21, 2024, 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.

7. Permit Amendment Application T-13733 proposes to move the authorized point of appropriation for Well 1 approximately 493 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	17	SW NE	WELL 1 - 2635 FEET NORTH AND 3020 FEET EAST FROM THE SW CORNER OF SECTION 17

8. Permit Amendment Application T-13733 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distances from original points of appropriation in feet (ft.)	
4 S	1 W	WM	17	NE SW	COMMUNITY CENTER WELL - 2210 FEET NORTH AND 1735 FEET EAST FROM THE SW CORNER OF SECTION 17	WELL 1	WELL 2
						1353 ft.	1741 ft.
4 S	1 W	WM	17	NW SW	CITY HALL WELL - 2340 FEET NORTH AND 1290 FEET EAST FROM THE SW CORNER OF SECTION 17	1754 ft.	2167 ft.
4 S	1 W	WM	17	NW SE	OAK STREET EAST WELL - 2235 FEET NORTH AND 2870 FEET EAST FROM THE SW CORNER OF SECTION 17	427 ft.	641 ft.

Permit Amendment Review Criteria

9. The changes would not result in injury to other water rights.
10. The changes do not enlarge the permit.
11. The changes do not alter any other terms of the permit.

Conclusions of Law


The change in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-13733 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation and additional points of appropriation proposed by Permit Amendment Application T-13733 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-18895, in the name of CITY OF DONALD, is issued to replace Permit G-9513, and incorporates the amendments approved by this order and the extensions of time. Permit G-9513, in the name of CITY OF DONALD, is no longer of any force or effect.
4. The quantity of water diverted at the new point of appropriation (Well 1) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
5. The combined quantity of water diverted at the new additional points of appropriation (City Hall Well, Community Center Well, and Oak Street East Well), 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).
6. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.
7. Water shall be acquired from the same aquifer as the original points of appropriation.
8. All other terms and conditions of Permit G-18895 remain the same.

Dated in Salem, Oregon on **APR 16 2024**


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

Mailing Date: **APR 17 2024**