

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

In the Matter of Permit Amendment)
T-9977, Lane County, Oregon)
)

FINAL ORDER

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

Lamontai Improvement District
P.O. Box 1257
Cottage Grove, Oregon 97424

Findings of Fact

1. Lamontai Improvement District , filed an application to add additional points of appropriation to Permit G-12040. The Department assigned the application number T-9977.
2. The permit to be amended is as follows:

Permit: G-12040, in the name of Lamontai Improvement District;
Use: Domestic use expanded for 100 households
Priority Date: February 1, 1994; August 28, 1995 for Well 12.
Quantity: 0.811 cubic foot per second (cfs); being further limited to not more than 0.167 cfs from Well1, 0.089 cfs from Well 2, 0.056 cfs from Well 3, 0.022 cfs each from Wells 4 and 8, 0.027 cfs from Well 5, 0.045 cfs each from Wells 6, 9, 10, and 12, 0.054 cfs from Well 7, 0.089 cfs from Well 11, 0.040 cfs from Well 13, and 0.067 from Well 14.
Source: 14 wells, in the Willamette River Basin.
**Date Of
Complete
Application of
Water:** October 1, 2005

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.

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
20	S	3	W	W.M.	32	SW	SW	Well 1 – 137.3 feet North and 700.7 feet East from the SW Corner of Section 32.
20	S	3	W	W.M.	31	SE	SE	Well 2 – 80.6 feet North and 311.7 feet West from the SE Corner of Section 31.
21	S	3	W	W.M.	6	NE	NE	Well 3 – 1148.0 feet South and 1267.0 feet West from the NE Corner of Section 6.
20	S	3	W	W.M.	31	SE	SE	Well 4 – 383.0 feet North and 1220.0 feet West from the SW Corner of Section 32.
20	S	3	W	W.M.	32	NW	SW	Well 5 – 1731.0 feet North and 250.0 feet East from the SW Corner of Section 32.
20	S	3	W	W.M.	31	NE	SE	Well 6 – 1386.0 feet North and 620.0 feet West from the SW Corner of Section 32.
20	S	3	W	W.M.	31	SE	SE	Well 7 – 1275.0 feet North and 956.0 feet West from the SW Corner of Section 32.
21	S	3	W	W.M.	5	NW	NW	Well 8 – 963.0 feet South and 1067.0 feet East from the NW Corner of Section 5.
21	S	3	W	W.M.	5	NW	NW	Well 9 – 747.0 feet South and 1236.0 feet East from the NW Corner of Section 5.
21	S	3	W	W.M.	5	NW	NW	Well 10 – 1264.0 feet South and 1070.0 feet East from the NW Corner of Section 5.
21	S	3	W	W.M.	5	NW	NE	Well 11 – 890.0 feet South and 3030.0 feet East from the SW Corner of Section 32.
21	S	3	W	W.M.	5	NE	NW	Well 12 – 970.0 feet South and 2545.0 feet East from the SW Corner of Section 32.
21	S	3	W	W.M.	5	NW	NW	Well 13 – 940.0 feet South and 350.0 feet East from the SW Corner of Section 32.
20	S	3	W	W.M.	32	SW	SW	Well 14 – 305.0 feet North and 334.0 feet East from the SW Corner of Section 32.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	
20	S	3	W	W.M.	31	NE	SE
20	S	3	W	W.M.	31	SE	SE
20	S	3	W	W.M.	32	NW	SW
20	S	3	W	W.M.	32	SW	SW
21	S	3	W	W.M.	5	NW	NW
21	S	3	W	W.M.	6	NE	NE

3. Application T-9977 proposes to add two additional points of appropriation to all authorized points of appropriation under the permit:

Township		Range		Meridian	Sec	¼ ¼		Location
20	S	3	W	W.M.	32	SW	SW	Well 15 – 345 feet North and 442 feet East from the SW Corner of Section 32.
20	S	3	W	W.M.	32	SW	NW	Well 16 – 2713 feet North and 309 feet East from the SW Corner of Section 32.

4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). Comments were filed in response to the notice.
5. Approval of this permit amendment does not grant the permittee permission to trespass on lands not owned by the permittee.
6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. The change does not alter all other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-9977 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

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

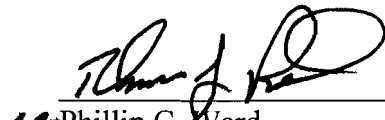
1. The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-9977.
2. The priority dates for the proposed additional points of appropriation shall be February 1, 1994 for 0.768 cfs and August 28, 1995 for 0.045 cfs.
3. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. All other terms and conditions of Permit G-12040 remain the same.
6. Permit G-12040, in the name of Lamontai Improvement District, is amended as described herein.

Dated at Salem, Oregon this 29th day of ~~September~~ 2005.


for Phillip C. Ward,
Director