# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER
T-11009, Multnomah County	)	APPROVING A CHANGE IN PLACE
	)	OF USE

### 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**

ALBERT GARRE 12532 NE ROSE PARKWAY PORTLAND OR 97230

#### Findings of Fact

#### Background

- 1. On January 25, 2010, ALBERT GARRE filed an application to change in place of use under Permit G-15067. The Department assigned the application number T-11009.
- 2. On March 18, 2010, a portion of Permit G-15067 was assigned to Jenny Giusto Trust / Irene Rossi, Trustee.
- 3. The permit to be amended is as follows:

**Permit**: G-15067 in the na

G-15067 in the names of ALBERT GARRE AND JENNY GIUTSO

TRUST / IRENE ROSSI TRUSTEE

Use: IRRIGATION, TEMPERATURE CONTROL AND AGRICULTURAL

USE ON 24.66 ACRES

Priority Date: NOVEMBER 16, 2001

Quantity: 0.78 CUBIC FOOT PER SECOND (CFS), BEING NO MORE THAN

0.308 CFS FOR IRRIGATION, NO MORE THAN 0.78 CFS FOR AGRICULTURAL USE, AND NO MORE THAN 0.78 CFS FOR TEMPERATURE CONTROL, NOT TO EXCEED 0.78 CFS AT ANY

ONE TIME.

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.

Rate/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and

2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND

TEMPERATURE CONTROL, YEAR ROUND FOR AGRICULTURAL

USE

Source: A WEL

A WELL within the COLUMBIA SLOUGH BASIN

#### **Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 E	WM	23	SE SW	1182 FEET NORTH AND 145 FEET EAST FROM THE W1/16 CORNER BETWEEN SECTION 23 AND SECTION 26

#### Authorized Place of Use:

IRRIGATION, TEMPERATURE CONTROL, AND								
AGRICULTURE USES								
Twp	Rng	Mer	Sec	Q-Q	Acres			
1 N	2 E	WM	23	SW SW	4.66			
1 N	2 E	WM	23	SE SW	20.00			

4. Permit Amendment Application T-11009 proposes to change the place of use of the permit to:

ALBERT GARRE								
IRRIGATION, TEMPERATURE CONTROL, AND AGRICULTURE USES								
Twp	Rng	Mer	Sec	Q-Q	Tax Lots	Acres		
1 N	2 E	WM	23	SW SW	1402,1700	11.49		
1 N	2 E	WM	23	SE SW	300,400,1700	6.17		

JENNY GIUSTO TRUST								
IRRIGATION, TEMPERATURE CONTROL, AND AGRICULTURE USES								
Twp	Rng	Mer	Sec	Q-Q	Tax Lots	Acres		
1 N	2 E	WM	23	SW SW	500,600	7.00		

5. Notice of the application for the permit amendment was published in the Department's weekly notice on February 2, 2010 pursuant to ORS 540.520(5). No comments were filed in response to the notice.

#### Permit Amendment Review Criteria

- 6. The change would not result in injury to other water rights.
- 7. The proposed place of use is owned and/or controlled by the permit holders.
- 8. The change does not enlarge the permit.
- 9. The change does not alter any other terms of the permit.

10. The proposed place of use is contiguous to the authorized place of use.

#### **Conclusions of Law**

The change in place of use proposed by Permit Amendment Application T-11009 is 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:

- The former place of use shall no longer be irrigated as part of this permit.
- All other terms and conditions of Permit G-15067 remain the same.
- 3. Permit G-17067, in the names of ALBERT GARRE AND JENNY GIUTSO TRUST / IRENE ROSSI TRUSTEE, is amended as described herein.

Dated at Salem, Oregon this 26 th day of March, 2010.

Mailing Date: \_\_MAR 3 1 2010