

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

In the Matter of Permit G-17968,)	PROPOSED FINAL ORDER
Clackamas County)	APPROVING ASSIGNMENT OF A WATER
)	RIGHT PERMIT AND ISSUANCE OF
)	REPLACEMENT WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

VERNON BRUCK
PO BOX 2837
WILSONVILLE, OR 97070

Findings of Fact

Background

1. On July 12, 2021, VERNON BRUCK, filed an application for partial assignment of Water Right Permit G-17698 and requested issuance of replacement permits. The Department assigned the application number T-13824.
2. On December 19, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
3. On February 6, 2018, the Department approved Permit Amendment T-12491, recorded at Special Order Volume 107, pages 627-629 for a change in point of appropriation and additional points of appropriation. Superseding Permit G-17968 was issued to replace original Permit G-16661.
4. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-325-0080. No comments were filed in response to the notice.

5. The Permit to be modified and assigned is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

6. The Applicant requests Permit G-17968 be split and replacement permits be issued as follows:

Permit A: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 27.8 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.35 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	1.4
3 S	1 E	WM	18	NE SE	3.6
Total					27.8

Permit B: VERNON BRUCK

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 41.9 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.
Period of Use: YEAR-ROUND
Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	17	NW SW	WELL 2 – 280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	17	NW SW	WELL 5 – 45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
3 S	1 E	WM	18	NE SE	WELL 3 – 590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 4 – 1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
3 S	1 E	WM	18	SE SE	WELL 6 – 1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	SW SW	8.9
3 S	1 E	WM	18	NE SE	16.5
3 S	1 E	WM	18	SE SE	16.5
Total					41.9

7. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on May 3, 2022, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

Split a Permit Review Criteria

2022 5.0 701

8. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lbt
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	27.8	0.35 CFS	3 S	1 E	WM	17 & 18	MULTIPLE	801
VERNON BRUCK PO BOX 2837 WILSONVILLE, OR 97070	41.9	0.52 CFS	3 S	1 E	WM	17 & 18		900, 3500, & 3600

9. The deeds supplied with the application match the properties proposed for assignment.
10. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
11. The assignment and issuance of replacement permits would not result in injury to other water right holders.
12. The assignment and issuance of replacement permits would not result in enlargement of the permit.
13. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17968.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13824 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, a final order will be issued approving the assignment and issuance of replacement permits.

If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:

1. *The assignment and issuance of replacement permits proposed by Application T-13824 are approved.*

2. *Permit G-18779, in the name of VERNON BRUCK, and Permit G-18780 in the name of VERNON BRUCK are issued to supersede Permit G-17968 (original permit). Permit G-17968 (original permit) is no longer of any force or affect.*
3. *All other terms and conditions under Permit G-17968 (original permit) are incorporated into Permits G-18779 and G-18780 (superseding permits).*

Dated in Salem, Oregon on **SEP 07 2022**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **SEP 08 2022**