

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

In the Matter of Permit G-8690,	)	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**

EXIT 282A DEVELOPMENT CO. LLC  
24377 NE AIRPORT RD  
AURORA, OR 97002

KEYSTONE PACIFIC LLC  
CHUCK EGGERT  
18555 SW TETON AVE  
TUALATIN, OR 97062

**Findings of Fact**

**Background**

1. On September 22, 2021, VERNON BRUCK, filed an application for partial assignment of Water Right Permit G-8690 and requested issuance of replacement permits. The Department assigned the application number T-13841.
2. On January 12, 2016, the Department confirmed a partial assignment of a portion of Permit G-8690 to Exit 282A Development Company, LLC.
3. On July 18, 2019, the Department confirmed a partial assignment of a portion of Permit G-8690 to Keystone-Pacific, LLC.
4. On May 21, 2021, the Department approved an extension of time for complete application of water to October 1, 2027.
5. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-325-0080.

Pursuant to OAR 690-325-0100, any person may file a protest or standing statement within 45 days after the date of publication of notice of this Proposed Final Order.
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6. The Permit to be modified and assigned is as follows:

**Permit:** G-8690 in the name of EXIT 282A DEVELOPMENT CO. LLC. and KEYSTONE PACIFIC LLC  
**Use:** IRRIGATION OF 131.2 ACRES  
**Priority Date:** JULY 25, 1979  
**Quantity:** 1.64 CUBIC FEET PER SECOND (CFS) BEING 0.98 CFS FROM WELL NO. 1 AND 0.66 CFS FROM WELL NO. 2.  
**Limit/Duty:** IF FOR IRRIGATION THIS APPROPRIATION SHALL BE LIMITED TO 1/80<sup>TH</sup> OF ONE CUBIC FOOT PER SECOND OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 2.5 ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR  
**Source:** 2 WELLS

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	35	SE SW	1400 FEET SOUTH AND 700 FEET WEST FROM THE C1/4 CORNER OF SECTION 35
3 S	1 W	WM	35	SE NW	500 FEET NORTH AND 460 FEET WEST FROM THE C1/4 CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	35	SW NE	25.0
3 S	1 W	WM	35	SE NW	21.1
3 S	1 W	WM	35	NE SW	22.1
3 S	1 W	WM	35	NW SW	0.3
3 S	1 W	WM	35	SE SW	32.2
3 S	1 W	WM	35	NW SE	30.5
Total					131.2

7. The Applicants request Permit G-8690 be split and replacement permits be issued as follows:

**Permit A: EXIT 282A DEVELOPMENT COMPANY, LLC**

**Use:** IRRIGATION OF 99.0 ACRES  
**Priority Date:** JULY 25, 1979  
**Quantity:** 1.24 CUBIC FEET PER SECOND (CFS) BEING .74 CFS FROM WELL NO. 1 AND 0.50 CFS FROM WELL NO. 2.  
**Limit/Duty:** IF FOR IRRIGATION THIS APPROPRIATION SHALL BE LIMITED TO 1/80<sup>TH</sup> OF ONE CUBIC FOOT PER SECOND OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 2.5 ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR  
**Source:** 2 WELLS

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	35	SE SW	1400 FEET SOUTH AND 700 FEET WEST FROM THE C1/4 CORNER OF SECTION 35
3 S	1 W	WM	35	SE NW	500 FEET NORTH AND 460 FEET WEST FROM THE C1/4 CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	35	SW NE	22.1
3 S	1 W	WM	35	SE NW	21.1
3 S	1 W	WM	35	NE SW	25.0
3 S	1 W	WM	35	NW SW	0.3
3 S	1 W	WM	35	NW SE	30.5
Total					99.0

**Permit B: KEYSTONE PACIFIC, LLC**

**Use:** IRRIGATION OF 32.2 ACRES

**Priority Date:** JULY 25, 1979

**Quantity:** 0.4 CUBIC FEET PER SECOND (CFS) BEING .24 CFS FROM WELL NO. 1 AND 0.16 CFS FROM WELL NO. 2.

**Limit/Duty:** IF FOR IRRIGATION THIS APPROPRIATION SHALL BE LIMITED TO 1/80<sup>TH</sup> OF ONE CUBIC FOOT PER SECOND OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED AND SHALL BE FURTHER LIMITED TO A DIVERSION OF NOT TO EXCEED 2.5 ACRE FEET PER ACRE FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

**Source:** 2 WELLS

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	35	SE SW	1400 FEET SOUTH AND 700 FEET WEST FROM THE C1/4 CORNER OF SECTION 35
3 S	1 W	WM	35	SE NW	500 FEET NORTH AND 460 FEET WEST FROM THE C1/4 CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	35	SE SW	32.2

- 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**

9. 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 Lot
EXIT 282A DEVELOPMENT CO. LLC 24377 NE AIRPORT RD AURORA, OR 97002	99.0	01.24 CFS	3 S	1 E	WM	35	MULTIPLE	500, 580, 570, 1802, 1860, 1870
KEYSTONE PACIFIC LLC CHUCK EGGERT 18555 SW TETON AVE TUALATIN, OR 97062	32.2	0.40 CFS	3 S	1 E	WM	35		1800

- 10. The deeds supplied with the application, match the properties proposed for assignment.
- 11. 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.
- 12. The assignment and issuance of replacement permits would not result in injury to other water right holders.
- 13. The assignment and issuance of replacement permits would not result in enlargement of the permit.
- 14. The assignment and issuance of replacement permits does not alter any other terms of Permit G-8690.

**Conclusions of Law**

The assignment and issuance of replacement permits proposed by Application T-13841 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-13841 are approved.*
- 2. Permit G-18781, in the name of EXIT 282A DEVELOPMENT COMPANY, LLC, and Permit G-18782 in the name of KEYSTONE-PACIFIC, LLC are issued to supersede Permit G-8690 (original permit). Permit G-8690 (original permit) is no longer of any force or affect.*
- 3. All other terms and conditions under Permit G-8690 (original permit) are incorporated into Permits G-18781 and G-18782 (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**