

4. Registration Application GR-2687 (Certificate of Registration GR-2545) was originally filed with the Department on August 11, 1958, along with a hand drawn map depicting the claimed place of use as 81.0 acres located as follows:

Original Description of Place of Use under Registration Application GR-2687 (Certificate of Registration GR-2545)					
Twp	Rng	Mer	Sec	¼ ¼	Acres
4 S	1 W	WM	7	SW SW	7.2
4 S	1 W	WM	18	NW NW	15.0
4 S	2 W	WM	12	SE SE	23.0
4 S	2 W	WM	13	NE NE	32.8
4 S	2 W	WM	13	NW NE	3.0
TOTAL:					81.0

5. On May 13, 1965, an application for a new permit (Application G-3106) was filed with the Department by Herschel Driever requesting irrigation of 68.8 acres of the same land as was claimed under Registration Application GR-2687 (Certificate of Registration GR-2545). Based on the Department's investigation and survey in October 1966, the Department issued Certificate 34687 for the lands as depicted below.

Original Description of Place of Use under Application G-2902						Place of Use under Certificate 34687					
Twp	Rng	Mer	Sec	¼ ¼	Acres	Twp	Rng	Mer	Sec	¼ ¼	Acres
4 S	1 W	WM	7	SW SW	8.5	4 S	1 W	WM	7	SW SW	12.0
4 S	1 W	WM	18	NW NW	4.0	4 S	1 W	WM	18	NW NW	4.1
4 S	2 W	WM	12	SW SE	0.3	4 S	2 W	WM	12	SW SE	--
4 S	2 W	WM	12	SE SE	22.5	4 S	2 W	WM	12	SE SE	22.6
4 S	2 W	WM	13	NE NE	30.5	4 S	2 W	WM	13	NE NE	30.1
4 S	2 W	WM	13	NW NE	3.0	4 S	2 W	WM	13	NW NE	---
TOTAL:					68.8	TOTAL:					68.8

6. The Department's investigation and survey in 1966, shows that the original claimed place of use under Registration Application GR-2687 (Certificate of Registration GR-2545) was should be described differently to math the other maps. The CWRE prepared map for this transfer shows the place of use in a different relation to the quarter-quarter section boundaries and the DLC lines. Based on the Department's 1966 final proof survey for Certificate 34687 and the CWRE map, the lands appear to be shifted in an easterly direction from the map prepared for Registration Application GR-2687 (Certificate of Registration GR-2545).

7. The following table describes the place of use description in existing Registration Application GR-2687 (Certificate of Registration GR-2545) and a proposed redescription based on the findings above:

Original Description of Place of Use under Registration Application GR-2687 (Certificate of Registration GR-2545)						Proposed Redescription of Place of Use					
Twp	Rng	Mer	Sec	¼ ¼	Acres	Twp	Rng	Mer	Sec	¼ ¼	Acres
4 S	1 W	WM	7	SW SW	7.2	4 S	1 W	WM	7	SW SW	12.0
4 S	1 W	WM	18	NW NW	15.0	4 S	1 W	WM	18	NW NW	16.3
4 S	2 W	WM	12	SE SE	23.0	4 S	2 W	WM	12	SE SE	22.6
4 S	2 W	WM	13	NE NE	32.8	4 S	2 W	WM	13	NE NE	30.1
4 S	2 W	WM	13	NW NE	3.0	--	--	--	--	--	--
TOTAL:					81.0	TOTAL:					81.0

8. The portion of the ground water registration to be modified based on the redescription above is as follows:

Registration: Application GR-2687 (Certificate of Registration GR-2545), in the name of HERSCHEL R. DRIEVER (*assigned to TWILA M. WETTSTEIN TRUST*)

Use: IRRIGATION of 77.9 ACRES

Tentative

Priority Date: JUNE 8, 1952

Quantity: 0.386 CUBIC FOOT PER SECOND (173.11 GALLONS PER MINUTE)

Source: A WELL within the YERGEN CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	18	NW NW	660 FEET SOUTH AND 265 FEET EAST FROM NW CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	7	SW SW	75	12.0
4 S	1 W	WM	18	NW NW	75	13.2
4 S	2 W	WM	12	SE SE	46	22.6
4 S	2 W	WM	13	NE NE	46	30.1
Total						77.9

9. Groundwater Registration Application GR-2687 (Certificate of Registration GR-2545) lists the point of diversion as described in Finding of Fact #8. The Certified Water Right Examiner indicates that the point of appropriation is located in a different location based on the cadastral plat maps and final proof survey for Certificate 34687. Based on the best available information, the point of appropriation for Groundwater Registration Application GR-2687 (Certificate of Registration GR-2545) is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	18	NW NW	550 FEET SOUTH AND 510 FEET EAST FROM THE NW CORNER OF SECTION 18

10. Groundwater Registration Modification Application T-11143 proposes to modify the location of the original point of appropriation to 3 points of appropriation located approximately 495 to 805 feet northwesterly from the original well as redescribed above to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	13	NE NE	46	PROPOSED WELL 1 (MARI 1152) - 2880 FEET NORTH AND 910 FEET WEST FROM THE SE CORNER OF DLC 75
4 S	2 W	WM	13	NE NE	46	PROPOSED WELL 2 - 2840 FEET NORTH AND 870 FEET WEST FROM THE SE CORNER OF DLC 75
4 S	1 W	WM	18	NW NW	75	PROPOSED WELL 3 - 2730 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF DLC 75

11. Notice of the application for ground water registration modification was published on October 19, 2010, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
12. On March 3, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Ground Water Registration Modification T-11143 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 4, 2011, for the applicant to respond. The applicant requested the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the modification.
13. On March 14, 2011, the Department issued a Preliminary Determination proposing to approve recognition of Ground Water Registration Modification Application T-11143 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the ground water modification application was published on the Department's weekly notice on March 15, 2011, pursuant to ORS 540.520 and OAR 690-382-0800. No protests were filed in response to the notice.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

14. The proposed modification would not result in enlargement of the ground water registration.
15. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
16. The proposed modification would not result in injury to other water rights.

Conclusions of Law

The modification in point of appropriation proposed in Ground Water Registration Modification T-11143 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-2687 (Certificate of Registration GR-2545) proposed in Ground Water Registration Modification Application T-11143 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-2687 (Certificate of Registration GR-2545) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. Water shall no longer be appropriated from the original point of appropriation for the portion of the ground water certificate of registration affected by this transfer.
5. The quantity of water diverted at the new points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Prior to diverting water at the new points of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 15 day of April 2011.


Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 18 2011