

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

In the Matter of Groundwater)	FINAL ORDER APPROVING RECOGNITION
Registration Modification Application)	OF MODIFICATIONS IN POINT OF
T-13849, Tillamook County)	APPROPRIATION AND PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

JENCK FARMS LLC
C/O DONNIE JENCK
745 THIRD STREET
TILLAMOOK, OR 97141

Findings of Fact

1. On October 12, 2021, JENCK FARMS LLC, C/O DONNIE JENCK filed a groundwater registration modification application for an additional point of appropriation and to modify the place of use under Registration Application GR-2952 (Certificate of Registration GR-2771). The Department assigned the application number T-13849.
2. On October 24, 1972, Registration Application GR-2952 (Certificate of Registration GR-2771) was assigned from ANTONE AND JOHANNA BEELER to HAROLD AND DEANNA BEELER.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

3. On October 26, 2021, Registration Application GR-2952 (Certificate of Registration GR-2771) was partially assigned from HAROLD AND OR DEANNA BEELER to MARY FAITH BELL, CHAIR, TILLAMOOK COUNTY BOARD OF COMMISSIONERS. Registration Application GR-2952 (Certificate of Registration GR-2771) was subsequently partially assigned from MARY FAITH BELL, CHAIR, TILLAMOOK COUNTY BOARD OF COMMISSIONERS to JENCK FARMS, LLC.
4. Notice of the application for groundwater registration modification was published on October 26, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. On April 27, 2023, the Department contacted the applicant's agent to verify whether one of the changes requested, was a change in point of appropriation or an additional point of appropriation. The application indicates an additional point of appropriation under Table 1 and within Table 2. However, the Table 2 column labeled, "POA(s) to be (from Table 1)" identified only Proposed Well 2, which indicates a change in point of appropriation. The Department requested revisions to be submitted.
6. On April 28, 2023, the Department received revisions to the application, resolving the deficiency.
7. On October 2, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13839 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 1, 2023, for the applicant to respond. The applicant requested that 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.
8. On December 15, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-13849 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on December 19, 2023, and in the Tillamook Headlight Herald newspaper on January 30 and February 6, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The portion of the groundwater registration to be modified is as follows:
 - Registration:** Application GR-2952 (Certificate of Registration GR-2771), in the name of ANTONE AND JOHANNA BEELER (*partially assigned to JENCK FARMS, LLC*)
 - Use:** IRRIGATION of 60.8 ACRES
 - Tentative**
 - Priority Date:** MAY 1951
 - Quantity:** 156.3 GALLONS PER MINUTE

Duty: 2-3 ACRE-FEET PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	10 W	WM	24	NW SW	WELL 1 - 650 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF THE SW1/4 OF SECTION 24

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	10 W	WM	23	NE SE	8	9.9
1 S	10 W	WM	23	SE SE	8	4.8
1 S	10 W	WM	24	SW NW	1	11.6
1 S	10 W	WM	24	NW SW		31.1
1 S	10 W	WM	24	SW SW	3	3.4
Total						60.8

10. Groundwater Registration Modification Application T-13849 proposes to modify the point of appropriation approximately 0.9 mile south from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	10 W	WM	25	NW SW	PROPOSED WELL 2 - 320 FEET SOUTH AND 1075 FEET EAST FROM THE W1/4 CORNER OF SECTION 25

11. Groundwater Registration Modification Application T-13849 also proposes to modify the place of use under the groundwater registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	10 W	WM	25	NW SW	9	19.8
1 S	10 W	WM	25	SW SW	9	16.3
1 S	10 W	WM	26	NE SE	12	9.3
1 S	10 W	WM	26	SE SE	13	15.4
Total						60.8

Review Criteria for Groundwater Registration Modification Applications [OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1) and 690-380-2110(2)]

12. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
13. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
14. The proposed modifications would not result in enlargement of the registration.

15. The proposed modifications would not result in injury to other water rights.
16. All other application requirements are met.

Conclusions of Law

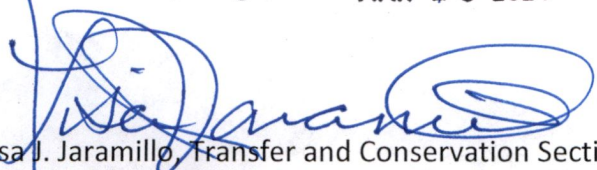
The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13849 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-2952 (Certificate of Registration GR-2771) proposed in Groundwater Registration Modification Application T-13849 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate groundwater 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-2952 (Certificate of Registration GR-2771) and any related decree.
3. Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation and the new place of use.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. Water shall no longer be appropriated from the original point of appropriation as part of this groundwater certificate of registration.
6. The quantity of water diverted at the proposed point of appropriation (Proposed Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
7. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated in Salem, Oregon on **MAR 28 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **MAR 29 2024**