

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

In the Matter of Ground Water	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF A MODIFICATION
T-12671, Linn County	)	IN 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 ground water 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 ground water registration modification applications.

**Applicant**

THE ESTATE OF HUGO W. EHRLICH  
BY SHERYL PETERSON AS PERSONAL REPRESENTATIVE  
34344 SE COLUMBUS ST  
ALBANY, OR 97321

**Findings of Fact**

1. On May 18, 2017, THE ESTATE OF HUGO W EHRLICH BY SHERYL PETERSON AS PERSONAL REPRESENTATIVE, filed a ground water registration modification application to modify the place of use under Registration Application GR-2208 (Certificate of Registration GR-2113). The Department assigned the application number T-12671.
2. On September 5, 2018, Registration Application GR-2208 (Certificate of Registration GR-2113) was assigned from HUGO W. and OLIVIA EHRLICH to Sheryl Peterson, Personal Representative of the Estate of Hugo W. Ehrlich.
3. Notice of the application for ground water registration modification was published on May 30, 2017, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

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.

4. On March 27, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by April 27, 2018. No response was received to the letter.
5. On June 12, 2018, the applicant's agent contacted the Department by telephone regarding the status of T-12671. The Department informed the agent that a Request for Assignment was needed in order to complete the Ground Water Registration Modification. The property containing the place of use to be modified is now owned by another land owner, and that it would take some time to resolve the issue.
6. On August 28, 2018, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by October 12, 2018. No response was received to the letter.
7. On September 5, 2018, a Request for Assignment was submitted to the Department.
8. On September 18, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12671 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 18, 2018, 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 transfer.
9. On October 8, 2018, the Department issued a Preliminary Determination proposing to approve Ground Water Registration Modification T-12671 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the Ground Water Registration Modification was published on the Department's weekly notice on October 9, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
10. The portion of the ground water registration to be modified is as follows:

**Certificate:** APPLICATION GR-2208 (CERTIFICATE OF REGISTRATION GR- 2113) in the name of HUGO W. AND OLIVIA H. EHRLICH  
**Use:** IRRIGATION of 19.5 ACRES  
**Priority Date:** OCTOBER 1, 1952  
**Rate:** 175 GALLONS PER MINUTE (GPM)  
**Source:** PUMP WELL

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	3 W	WM	32	NE NW	SOUTH 33 DEG 30 MIN WEST 9.5 CHAINS FROM THE NE CORNER, NW1/4 OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	3 W	WM	32	NE NW	15.5
11 S	3 W	WM	32	SE NW	4.0
Total					19.5

11. The Department received information from the applicant that better describes the location of the original point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
11 S	3 W	WM	32	NE NW	370 FEET SOUTH AND 390 FEET WEST FROM THE N1/4 CORNER OF SECTION 32

12. Ground Water Registration Modification Application T-12671 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	3 W	WM	29	SW NW	7.7
11 S	3 W	WM	30	SE NE	10.2
11 S	3 W	WM	30	NE SE	1.6
Total					19.5

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

13. The proposed modification would not result in enlargement of the ground water registration.
14. 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.
15. The proposed modification would not result in injury to other water rights.

**Conclusions of Law**

The modification in place of use proposed in Ground Water Registration Modification T-12671 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-2208 (Certificate of Registration GR-2113) proposed in Ground Water Registration Modification Application T-12671 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-2208 (Certificate of Registration GR-2113) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. The former place of use of the modified ground water registration shall no longer receive water as part of the ground water certificate of registration.

Dated at Salem, Oregon this NOV 20 2018.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

*Mailing date:* NOV 21 2018