

4. On January 13, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12074 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 12, 2016, 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 Groundwater Registration Modification.
5. The applicant's agent noted that in the draft Preliminary Determination, the Registration Application number and Certificate of Registration number were switched, those were corrected in the Preliminary Determination. In addition, there was a scrivener's error on the draft Preliminary Determination stating that the priority date was July 24, 1955, when it is actually July 29, 1955, that was corrected in the Preliminary Determination. In the draft Preliminary Determination, the quantity of water was displayed as cubic feet per second, in the Preliminary Determination it was changed to gallons per minute for consistency with the Ground Water Registration.
6. On February 8, 2016, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12074 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department's weekly notice on February 16, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The ground water registration to be modified is as follows:

Registration: Registration Application GR-122 (Certificate of Registration GR-113) in the name of TERRA ENTERPRISES LLC, FIVE OAK FARMS/JERRY DITCHEN

Use: IRRIGATION of 102.0 ACRES

Tentative

Priority Date: JULY 29, 1955

Quantity: 320 GALLONS PER MINUTE

Source: A WELL within the WOODS CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	26	NW SE	1375 FEET NORTH AND 1725 FEET WEST FROM THE SE CORNER OF SECTION 26

Original Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	26	NE SW	20.0
6 S	2 W	WM	26	SE SW	3.0
6 S	2 W	WM	26	NE SE	15.0
6 S	2 W	WM	26	NW SE	25.0
6 S	2 W	WM	26	SW SE	25.0
6 S	2 W	WM	26	SE SE	14.0
Total:					102.0

8. Ground Water Registration Modification Application T-12074 proposes to modify the location of the original point of appropriation approximately 656 feet and 1230 feet respectively from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	26	NW SE	46	WELL 1: 1520 FEET NORTH AND 2365 FEET WEST FROM THE SE CORNER OF SECTION 26
6 S	2 W	WM	26	NE SE	41	WELL 2: 2130 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 26

9. The map depicting the place of use described by Registration Application GR-122 (Certificate of Registration GR-113) broadly defines the actual location of the irrigated lands. For the place of use, the application itself appears to round the number of acres by quarter-quarter.
10. The following table lists the place of use as described in existing Registration Application GR-122 (Certificate of Registration GR-113) and a proposed re-description based on current mapping technology and aerial photos from May 1994 to current:

Twp	Rng	Sec	Original Description of Place of Use		Proposed Re-Description of Place of Use		
			Q-Q	Acres	Q-Q	DLC	Acres
6 S	2 W	26	NE SW	20.0	NE SW	46	21.4
6 S	2 W	26	SE SW	3.0	SE SW	46	1.0
6 S	2 W	26	NE SE	15.0	NE SE	41	23.0
6 S	2 W	26	NW SE	25.0	NW SE	41	17.6
6 S	2 W	26	SW SE	25.0	NW SE	46	6.9
6 S	2 W	26	SE SE	14.0	SW SE	41	15.3
6 S	2 W	26	--	--	SW SE	46	0.3
6 S	2 W	26	--	--	SE SE	41	16.5
Total:				102.0	Total:		102.0

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

11. The proposed modification would not result in enlargement of the ground water registration.
12. 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.
13. The proposed modification would not result in injury to other water rights.

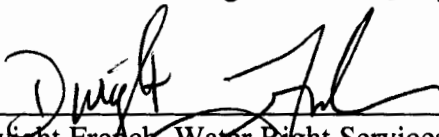
Conclusions of Law

The modification in point of appropriation proposed in Ground Water Registration Modification T-12074 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-122 (Certificate of Registration GR-113) proposed in Ground Water Registration Modification Application T-12074 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 as re-described in this order and is subject to all other conditions and limitations contained in Registration Application GR-122 (Certificate of Registration GR-113) 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 as part of this ground water certificate of registration.
5. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Dated at Salem, Oregon this 17 day of March, 2016.



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

MAR 31 2016

Mailed: _____