

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

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF AN ADDITIONAL
T-11499, Yamhill County)	POINT OF APPROPRIATION

Authority

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.

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

SLEGERS INC.
18345 SE NICHOLS RD
DAYTON, OR 97114

Findings of Fact

1. On December 7, 2012, SLEGERS INC. filed a ground water registration modification application to add an additional point of appropriation under Registration Application GR-4171 (Certificate of Registration GR-3971). The Department assigned the application number T-11499.
2. On December 7, 2012, Registration Application GR-4171 (Certificate of Registration GR-3971) was assigned to SLEGERS INC.
3. Notice of the application for ground water registration modification was published on December 18, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On December 17, 2013, the applicant submitted an amended application, identifying 140.0 acres involved in T-11499.
5. On December 26, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11499 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 26, 2013, for the applicant to respond. The applicant requested that the Department proceed

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.

with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the Groundwater Registration Modification.

6. On January 31, 2014 the Department identified an error in the draft Preliminary Determination and made contact with the applicant's agent to correctly identify the additional point of appropriation location.
7. On February 14, 2014, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11499 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 18, 2014 and in the McMinnville News Register newspaper on February 21 and 28, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
8. The entirety of the ground water registration to be modified is as follows:

Registration: Application GR-4171 (Certificate of Registration GR-3971), (*assigned to SLEIGERS INC.*)

Use: IRRIGATION of 140.0 ACRES

Tentative

Priority Date: July 1943

Quantity: 650 GALLONS PER MINUTE

Source: A WELL within the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	35	SE NW	8	WELL NO. 1 - 1915 FEET SOUTH AND 110 FEET EAST FROM THE NW CORNER OF SECTION 35

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	3 W	WM	34	SW NE	38.0
4 S	3 W	WM	34	SE NE	37.0
4 S	3 W	WM	34	NE SE	14.0
4 S	3 W	WM	34	NW SE	20.0
4 S	3 W	WM	35	SW NW	25.0
4 S	3 W	WM	35	NW SW	6.0
Total					140.0

9. Ground Water Registration Modification Application T-11499 proposes to add an additional point of appropriation approximately 1.74 miles from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	35	NE NW	WELL NO. 2 - 240 FEET SOUTH AND 2620 FEET EAST FROM THE NW CORNER OF SECTION 35

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

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

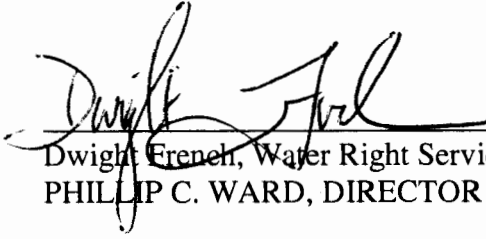
Conclusions of Law

The additional point of appropriation proposed in Ground Water Registration Modification T-11499 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-4171 (Certificate of Registration GR-3971) proposed in Ground Water Registration Modification Application T-11499 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-4171 (Certificate of Registration GR-3971) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. The quantity of water diverted at the additional point 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.
5. 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 the new point of appropriation.
 - 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 at Salem, Oregon this 31 day of March, 2014.



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

APR 04 2014

Mailing Date : _____