

**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-11789, Polk County	)	IN PLACE OF USE

**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.

**Applicants**

HAROLD D. UNDERWOOD AND  
JUANITA L. UNDERWOOD  
3119 HANNAH AVE  
ALBANY, OR 97322

**Findings of Fact**

1. On April 14, 2014, HAROLD AND JUANITA UNDERWOOD and NORTHWEST FARM CREDIT SERVICES FLCA filed a ground water registration modification application to modify the place of use under Registration GR-1320 (Certificate of Registration GR-1275). The Department assigned the application number T-11789
2. On February 29, 2008, Registration Application GR-1320 (Certificate of Registration GR-1275) was assigned from ELMER OR GERTRUDE E. MILLER TO NORTHWEST FARM CREDIT SERVICES FLCA. AND HAROLD DEAN UNDERWOOD AND JUANITA LORENE UNDERWOOD TO NORTHWEST FARM CREDIT SERVICES FLCA.
3. On April 14, 2014, Registration Application GR-1320 (Certificate of Registration GR-1275) was assigned from NORTHWEST FARM CREDIT SERVICES FLCA. AND HAROLD DEAN UNDERWOOD AND JUANITA LORENE UNDERWOOD TO HAROLD DEAN UNDERWOOD and JUANITA LORENE UNDERWOOD.

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. Notice of the application for ground water registration modification was published on April 22, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. On October 24, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11789 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 24, 2014, for the applicants to respond. The applicants 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.
6. On December 4, 2014, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11789 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification Application was published on the Department's weekly notice on December 9, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

7. The portion of the ground water registration to be modified is as follows:

**Registration:** Ground Water Registration Application GR-1320 (Certificate of Registration GR-1275), in the name of ELMER OR GERTRUDE E. MILLER (*assigned to HAROLD AND JUANITA UNDERWOOD and JUANITA LORENE UNDERWOOD*)

**Use:** IRRIGATION of 20.0 ACRES

**Tentative Priority Date:** 1946

**Quantity:** 200 GALLONS PER MINUTE

**Source:** PUMP WELL #2

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	3	NE SE	1800 FEET NORTH AND 250 FEET WEST FROM THE SE CORNER OF SECTION 3

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	4 W	WM	2	NW SW	3.0
9 S	4 W	WM	2	SW SW	4.0
9 S	4 W	WM	3	NE SE	10.5
9 S	4 W	WM	3	SE SE	2.5
Total:					20.0

8. The tax lot map and the applicant's agent both further describe the place of use as being within Donation Land Claim No. 41.

9. Ground Water Registration Modification Application T-11789 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	2	SW SW	41	9.0
9 S	4 W	WM	3	SE SE	41	11.0
Total:						20.0

***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.

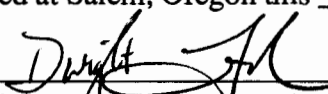
**Conclusion of Law**

The modification in place of use proposed in Ground Water Registration Modification T-11789 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 GR-1320 (Certificate of Registration GR-1275) proposed in Ground Water Registration Modification Application T-11789 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 GR-1320 (Certificate of Registration GR-1275) and any related decree.
3. 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 15 day of January, 2015.

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

Mailing Date: JAN 27 2015

