

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

In the Matter of Groundwater)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF MODIFICATIONS
T-12183, Marion County)	IN POINTS OF 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 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

CITY OF WOODBURN
ERIC LILJEQUIST, PUBLIC WORKS DIRECTOR
270 MONTGOMERY ST
WOODBURN, OR 97071

Findings of Fact

1. On October 9, 2015, the CITY OF WOODBURN, filed a groundwater registration modification application to modify the points of appropriation and place of use under Registration Application GR-2389 (Certificate of Registration GR-3815). The Department assigned the application number T-12183.
2. Notice of the application for ground water registration modification was published on October 13, 2015, 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.

3. On August 9, 2016, the Department contacted the applicant's agent via telephone and via email on August 10, 2016, to notify them of deficiencies in the application. The main deficiencies being possible injury to other water right holders, inconsistencies in the description of the location of the points of appropriation, in the place of use and between the application and the transfer map. The Department requested that the deficiencies be resolved by September 12, 2016.
4. On August 25, 2016, the applicant's agent requested additional time to respond to the deficiency regarding possible injury to other water right holders in relation to T-12182 and T-12183.
5. On September 1, 2016, the applicant's agent submitted amended application pages and maps. These resolved the deficiencies except for the deficiency regarding possible injury to other water right holders for which they have requested additional time to address.
6. On October 29, 2018, the applicant's agent submitted a revised Table 1 and map, resolving the deficiency.
7. On April 25, 2019, the Department Groundwater Section determined modifications to the groundwater registration under T-12183 would not cause injury to surrounding wells.
8. On April 30, 2019, the applicant's agent submitted a revised Table 2, satisfying all deficiencies.
9. On May 24, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12183 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 24, 2019, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
10. On August 27, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12183 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 August 27, 2019, and in the Oregonian newspaper on August 28, and September 4, 2019 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

11. The ground water registration to be modified is as follows:

Registration: Application GR-2389 (Certificate of Registration GR-3815), in the name of CITY OF WOODBURN

Use: MUNICIPAL WATER SUPPLY, CITY OF WOODBURN

Tentative

Priority Date: 1913

Quantity: 300 GALLONS PER MINUTE; 1.5 ACRE FEET PER YEAR

Source: PUMP WELL #5

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	18	NE NW	WELL 5 - 800 FEET SOUTH AND 2460 FEET EAST FROM THE NW CORNER OF SECTION 18

Original Place of Use:

MUNICIPAL WATER SUPPLY, CITY OF WOODBURN				
Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	7	S 1/4
5 S	1 W	WM	18	NE 1/4
5 S	1 W	WM	18	NW 1/4
5 S	1 W	WM	18	NE SW
5 S	1 W	WM	18	NW SW
5 S	1 W	WM	18	NW SE

12. Groundwater Registration Modification Application T-12183 proposes to modify the location of the original point of appropriation the approximate distances, in miles, from the original well as identified below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximated distance from authorized point of appropriation in miles (mi.)
5 S	1 W	WM	18	SW NW	WELL 13 - 1415 FEET SOUTH AND 1155 FEET EAST FROM THE NW CORNER OF SECTION 18	0.3
5 S	2 W	WM	13	NW SE	WELL 12 - 2466 FEET NORTH AND 1635 FEET WEST FROM THE SE CORNER OF SECTION 13	0.9

13. Groundwater Registration Modification Application T-12183 proposes to modify the place of use under the ground water registration to:

MUNICIPAL WATER SUPPLY, CITY OF WOODBURN
WITHIN THE CITY OF WOODBURN'S URBAN GROWTH BOUNDARY

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

14. The proposed modifications would not result in enlargement of the groundwater registration.
15. The proposed modifications 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.
16. The proposed modifications would not result in injury to other water rights.

Conclusions of Law

The modifications in point of appropriation and place of use proposed in Groundwater Registration Modification T-12183 are 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-2389 (Certificate of Registration GR-3815) proposed in Groundwater Registration Modification Application T-12183 are recognized. Recognition of the modifications 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-2389 (Certificate of Registration GR-3815) 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 (Wells 12 and 13) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 5).

6. 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 at Salem, Oregon this DEC 16 2019.



Lisa P. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: DEC 18 2019