

5. On January 30, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13277 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 1, 2020, 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 March 5, 2020, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13277 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 March 10, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. (No) protests were filed in response to the notice.
7. The groundwater registration to be modified is as follows:

Registration: Application GR-395 (Certificate of Registration GR-2437), in the name of ALF DERA EVE (*partially assigned to* NU T. HUYNH, TYLER CUMMINS and GARY A. AND SHELLY MULL)

Use: IRRIGATION of 22.8 ACRES

Tentative

Priority Date: MARCH 31, 1953

Quantity: 120 GALLONS PER MINUTE AND 25 ACRE FEET PER YEAR

Source: A WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	4 W	WM	27	SW NW	2075 FEET SOUTH AND 1750 FEET EAST FROM THE NW CORNER OF W BUFFUM DLC

Original Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	4 W	WM	27	SW NW	22.8

8. Groundwater Registration Modification Application T-13277 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	4 W	WM	27	NW NW	18.3
5 S	4 W	WM	27	SW NW	4.5
Total					22.8

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

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

Conclusions of Law

The modification in place of use proposed in Groundwater Registration Modification T-13277 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-395 (Certificate of Registration GR-2437) proposed in Groundwater Registration Modification Application T-13277 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater 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-395 (Certificate of Registration GR-2437) and any related decree.
3. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.

Dated in Salem, Oregon on **JUL 30 2020**


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

Mailing date: AUG 01 2020