BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Groundwater)	FINAL ORDER APPROVING THE
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-13277, Yamhill County)	IN 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 groundwater 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 groundwater registration modification applications.

Applicant

GARY A. AND SHELLY MULL 20925 SE DERAEVE LANE AMITY, OR 97101

Findings of Fact

- On October 22, 2019, Gary A. and Shelly Mull filed a groundwater registration modification application to modify the place of use under Registration Application GR-395 (Certificate of Registration GR-2437). The Department assigned the application number T-13277
- On October 24, 2019, Registration Application GR-395 (Certificate of Registration GR-2437)
 was partially assigned from Alf DeRaeve to Nu T. Huynh, Tyler Cummins and Gary A. and
 Shelly Mull.
- 3. An Affidavit from Nu T. Huynh and Tyler Cummins consenting to the groundwater modification application was submitted with the application on October 22, 2019.
- 4. Notice of the application for groundwater registration modification was published on November 5, 2019, 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.

- 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.
 - The groundwater registration to be modified is as follows:

Registration: Application GR-395 (Certificate of Registration GR-2437), in the name of

ALF DERAEVE (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	SWNW	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	SWNW	22.8

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

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	4 W	WM	27	NW NW	18.3
5 S	4 W	WM	27	SWNW	4.5

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

- 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

- 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.
- 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.
- 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 3 0 2020

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

THOMAS M BYLER, DIRECTOR Oregon Water Resources Department

Mailing date: AUG 01 2020