

**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 |
| T-11854, Yamhill County |) | MODIFICATION IN POINT OF |
| |) | APPROPRIATION |

Authority

Oregon Revised Statute (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 Rule (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

ROBINSON FARM LLC
PO BOX 100
AMITY, OR 97101

Findings of Fact

1. On June 27, 2014, ROBINSON FARM LLC filed a ground water registration modification application to modify the point of appropriation under Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930). The Department assigned the application number T-11854.
2. On June 27, 2014, Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930) was partially assigned from CHARLIE W. REED TO ROBINSON FARM LLC.
3. Notice of the application for ground water registration modification was published on July 8, 2014, 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.

4. On December 2, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11854 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 5, 2015, for the applicant to respond. The applicant 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.
5. On January 6, 2015, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11854 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 January 13, 2015, and in the McMinnville News-Register newspaper on January 13, and 20, 2015, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the ground water registration to be modified is as follows:

Registration: Groundwater Registration Application GR-2000 (Certificate of Registration GR-1930), in the name of Charlie W. Reed (assigned to ROBINSON FARM LLC) as modified by Special Order Vol. 92, page 375

Use: IRRIGATION of 45.7 ACRES
 SUPPLEMENTAL IRRIGATION of 4.0 ACRES

Tentative

Priority Date: JULY 31, 1954

Quantity: 151.6 GALLONS PER MINUTE (GPM)

Source: A WELL within the SALT CREEK BASIN

Original Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|-----|-----|-----|-----|-------|-----|--|
| 5 S | 4 W | WM | 7 | NE NE | 43 | SOUTH 57 DEGREES WEST, 1400 FEET FROM THE NE CORNER OF SECTION 7 |

Original Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 5 S | 4 W | WM | 7 | NE NE | 3.0 |
| 5 S | 4 W | WM | 7 | SW NE | 2.0 |
| 5 S | 4 W | WM | 7 | SE NE | 24.7 |
| 5 S | 4 W | WM | 7 | NE SE | 14.0 |
| 5 S | 4 W | WM | 7 | NW SE | 2.0 |
| Total: | | | | | 45.7 |

| SUPPLEMENTAL IRRIGATION | | | | | | |
|-------------------------|-----|-----|-----|-------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 5 S | 4 W | WM | 7 | SE NE | 43 | 4.0 |

7. Ground Water Registration Modification Application T-11854 proposes to modify the point of appropriation approximately 0.4 mile from the recognized well to:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|-----|-----|-----|-----|-------|-----|--|
| 5 S | 4 W | WM | 7 | SE NE | 43 | WELL 2: 2400 FEET SOUTH AND 85 FEET WEST FROM THE NE CORNER OF SECTION 7 |

8. Ground Water Registration Modification Application T-11854 and the tax lot map further describe the place of use under the ground water registration as:

| IRRIGATION | | | | | | | |
|------------|-----|-----|-----|-------|------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres |
| 5 S | 4 W | WM | 7 | NE NE | | 80 | 3.0 |
| 5 S | 4 W | WM | 7 | SW NE | | 43 | 2.0 |
| 5 S | 4 W | WM | 7 | SE NE | 7 | | 0.1 |
| 5 S | 4 W | WM | 7 | SE NE | | 80 | 2.7 |
| 5 S | 4 W | WM | 7 | SE NE | | 43 | 21.9 |
| 5 S | 4 W | WM | 7 | NE SE | | 43 | 14.0 |
| 5 S | 4 W | WM | 7 | NW SE | | 43 | 2.0 |
| Total: | | | | | | | 45.7 |

| SUPPLEMENTAL IRRIGATION | | | | | | |
|-------------------------|-----|-----|-----|-------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 5 S | 4 W | WM | 7 | SE NE | 43 | 4.0 |

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

9. The proposed modification would not result in enlargement of the ground water 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

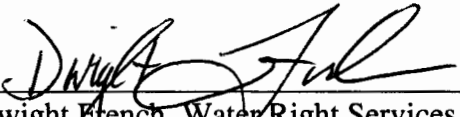
The modification in point of appropriation proposed in Ground Water Registration Modification T-11854 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modification to Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930) proposed in Ground Water Registration Modification Application T-11854 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 Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930) 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 recognized point of appropriation as part of this ground water certificate of registration.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

Dated at Salem, Oregon this 23 day of February, 2015.



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

Mailing Date: FEB 25 2015