

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

In the Matter of Ground Water	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF ADDITIONAL
T-12127, Marion County	)	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.

**Applicants**

MIKE AND CONNIE DAVIDSON, TRUSTEES  
DAVIDSON LIVING TRUST  
3988 DAVIDSON RD NE  
SAINT PAUL, OR 97137

**Findings of Fact**

1. On August 7, 2015, MIKE AND CONNIE DAVIDSON, TRUSTEES, DAVIDSON LIVING TRUST, filed a ground water registration modification application to add additional points of appropriation under Registration Application GR-1378 (Certificate of Registration GR-1335). The Department assigned the application number T-12127
2. On August 6, 2015, Registration Application GR-1378 (Certificate of Registration GR-1335) was assigned from THEODORE M. VAN DYKE to MIKE AND CONNIE DAVIDSON, TRUSTEES, DAVIDSON LIVING TRUST.
3. Notice of the application for ground water registration modification was published on August 11, 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.

4. On July 31, 2015, the Davidson Living Trust submitted Transfer Application T-12117. Proposed "well one" for T-12117 is the same as proposed "well one" in this application. On December 23, 2015, the applicant's agent was informed that proposed "well one" would not be approved as requested.
5. On January 26, 2016, the applicant's agent proposed to remove "well one" for both Transfer Applications T-12117 and T-12127 and change the location of "well two" for both Transfer Applications T-12117 and T-12127. On February 3, 2016, the applicant's agent submitted amended documents removing "well one" and changing the location of "well two".
6. On February 9, 2016, the Department contacted the applicant's agent for clarification on the proposed changes in the transfer. On February 25, 2016, the applicant's agent amended the application to clarify that they are also requesting to modify the place of use.
7. On March 14, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12127 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 13, 2016, 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.
8. On April 25, 2016, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12127 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 April 26, 2016, and in the Woodburn Independent newspaper on May 4, and May 11, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
9. The ground water registration to be modified is as follows:

**Registration:** Application GR-1378 (Certificate of Registration GR-1335), in the name of THEODORE M. VAN DYKE (*assigned to* MIKE AND CONNIE DAVIDSON, TRUSTEES, DAVIDSON LIVING TRUST)

**Use:** IRRIGATION of 30.0 ACRES

**Tentative**

**Priority Date:** APRIL 10, 1954

**Quantity:** 280 GALLONS PER MINUTE

**Source:** PUMP WELL NO. 2

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	36	NW NE	PUMP WELL NO. 2: 2175 FEET SOUTH 86 DEGREES WEST FROM THE SE CORNER OF SECTION 25

**Original Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	2 W	WM	25	SW SE	14.0
4 S	2 W	WM	36	NE NE	3.0
4 S	2 W	WM	36	NW NE	13.0
Total:					30.0

10. Ground Water Registration Modification Application T-12127 proposes two additional points of appropriation, described as follows, with the approximate distances from the original well identified below:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Well
4 S	2 W	WM	31	NW NW	89	WELL 2: 415 FEET SOUTH AND 1170 FEET EAST FROM THE SW CORNER OF SECTION 30	3350 feet SE
4 S	3 W	WM	36	NE NW	65	WELL 3: 350 FEET SOUTH AND 2780 FEET WEST FROM THE SW CORNER OF SECTION 30	640 feet SW

11. Ground Water Registration Modification Application T-12127 proposes to modify the place of use under the ground water registration to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	25	SW SE	65	17.0
4 S	3 W	WM	25	SE SE	85	2.4
4 S	3 W	WM	36	NE NE	85	6.2
4 S	3 W	WM	36	NW NE	65	4.4
Total:						30.0

12. The applicant has changed the identification of the original well, "Pump Well 2", to "Well 5" for reference purposes.

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

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

**Conclusions of Law**

The additional points of appropriation and modification in place of use proposed in Ground Water Registration Modification T-12127 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-1378 (Certificate of Registration GR-1335) proposed in Ground Water Registration Modification Application T-12127 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-1378 (Certificate of Registration GR-1335) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. 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 14 day of June, 2016.

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

JUN 20 2016

Mailing Date: \_\_\_\_\_