

**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-13380, Yamhill 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 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

CITY OF NEWBERG
ATTN: RUSS THOMAS, INTERIM PUBLIC WORKS DIRECTOR
PO BOX 970
NEWBERG, OR 97132

Findings of Fact

1. On February 28, 2020, CITY OF NEWBERG filed a groundwater registration modification application to modify the point of appropriation and place of use under Registration Application GR-63 (Certificate of Registration GR-54). The Department assigned the application number T-13380.
2. Notice of the application for groundwater registration modification was published on March 10, 2020, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On August 17, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13380 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 16, 2020, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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 October 14, 2020, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13380 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 October 20, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The groundwater registration to be modified is as follows:

Registration: Application GR-63 (Certificate of Registration GR-54), in the name of CITY OF NEWBERG

Use: MUNICIPAL USES

Tentative

Priority Date: MAY 1948 and SEPTEMBER 30, 1951

Quantity: 1000 GALLONS PER MINUTE

Source: PUMP WELLS

Original Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	2 W	WM	29	NE SW	PUMP WELL 1 - 502 FEET SOUTH AND 1300 FEET EAST FROM THE E1/4 CORNER OF SECTION 30
3 S	2 W	WM	29	NE SW	PUMP WELL 2 - 502 FEET SOUTH AND 1300 FEET EAST FROM THE E1/4 CORNER OF SECTION 30

Original Place of Use:

Twp	Rng	Mer	Sec
3 S	2 W	WM	17
3 S	2 W	WM	18
3 S	2 W	WM	19
3 S	2 W	WM	20

6. Groundwater Registration Modification Application T-13380 proposes to modify the location of the original wells approximately:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Original Wells in Feet (ft.)
3 S	2 W	WM	29	SE NW	WELL 7 - 242 FEET NORTH AND 2235 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 29	1190 ft.
3 S	2 W	WM	29	SE NW	WELL 8 - 18 FEET NORTH AND 2408 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 29	1220 ft.
3 S	2 W	WM	29	SE NW	WELL 9 - 65 FEET NORTH AND 2118 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 29	100 ft.

7. Groundwater Registration Modification Application T-13380 proposes to modify the place of use under the ground water registration to:

MUNICIPAL USES
CITY OF NEWBERG WATER SERVICE AREA

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

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

Conclusions of Law

The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13380 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 modifications to Registration Application GR-63 (Certificate of Registration GR-54) proposed in Groundwater Registration Modification Application T-13380 are recognized. Recognition of the modifications 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-63 (Certificate of Registration GR-54) 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 (Pump Wells) as part of this groundwater certificate of registration.

5. The quantity of water diverted at the new points of appropriation (Well 7, Well 8 and Well 9), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Wells).

Dated in Salem, Oregon on **DEC 22 2020**



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

Mailing date: DEC 23 2020