

**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 MODIFICATION
T-11681, Marion County)	IN PLACE OF USE

Authority

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.

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

DONALD MOISAN
9165 WHEATLAND RD
SALEM, OR 97303

Findings of Fact

1. On November 5, 2013, DONALD MOISAN filed a ground water registration modification application to modify the place of use under Registration Application GR-3037 (Certificate of Registration GR-2843). The Department assigned the application number T-11681.
2. On November 6, 2013, Registration Application GR-3037 (Certificate of Registration GR-2843) was partially assigned from GEORGE J. LANDRITH to DONALD MOISAN.
3. Notice of the application for ground water registration modification was published on November 12, 2013, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On March 24, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11681 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 24, 2014, 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.

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 May 1, 2014, the applicant's agent, Gregory Kupillas, informed the Department of a needed correction in the description of the measured distances for the point of appropriation in the draft Preliminary Determination.
6. On July 10, 2014, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11681 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 July 15, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The ground water registration to be modified is as follows:

Registration: Application GR-3037 (Certificate of Registration GR-2843), in the name of DONALD MOISAN; as modified by Special Order Volume 25, page 484.

Use: IRRIGATION OF 72.0 ACRES

Tentative Priority Date: 1951

Quantity: 304 GALLONS PER MINUTE

Source: A WELL in the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	15	NE NW	120 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF THE NE 1/4 NW 1/4 OF SECTION 15

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	10	SW SW	0.5
6 S	3 W	WM	10	SE SW	8.3
6 S	3 W	WM	10	SW SE	2.2
6 S	3 W	WM	15	SW NE	5.9
6 S	3 W	WM	15	NE NW	38.3
6 S	3 W	WM	15	NW NW	1.5
6 S	3 W	WM	15	SW NW	2.5
6 S	3 W	WM	15	SE NW	12.8
Total:					72.0

8. Ground Water Registration Modification Application T-11681 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	10	SW SW	0.5
6 S	3 W	WM	10	SE SW	8.3
6 S	3 W	WM	10	SW SE	2.2
6 S	3 W	WM	15	NW NE	5.9

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	15	SW NE	2.0
6 S	3 W	WM	15	NE NW	38.3
6 S	3 W	WM	15	NW NW	1.5
6 S	3 W	WM	15	SW NW	0.5
6 S	3 W	WM	15	SE NW	12.8
Total:					72.0

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 place of use proposed in Ground Water Registration Modification T-11681 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-3037 (Certificate of Registration GR-2843) proposed in Ground Water Registration Modification Application T-11681 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 Registration Application GR-3037 (Certificate of Registration GR-2843) and any related decree.
3. 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 20 day of August, 2014.



 Dwight French, Water Right Services Administrator, for
 Director, Oregon Water Resources Department

SEP 02 2014

Mailing Date: _____