

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

In the Matter of Groundwater)	FINAL ORDER APPROVING
Registration Modification Application)	THE RECOGNITION OF A
T-13197, Linn County)	MODIFICATION IN THE POINT OF
)	APPROPRIATION

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

MAYFIELD FARMS LLC
C/O CHUCK EGGERT
18555 SW TETON AVE
TUALATIN, OR 97062

Findings of Fact

1. On May 31, 2019, Mayfield Farms LLC., C/O Chuck Eggert, filed a groundwater registration modification application to modify the point of appropriation under Registration Application GR-1732 (Certificate of Registration GR-1680). The Department assigned the application number T-13197.
2. On June 11, 2019, Registration Application GR-1732 (Certificate of Registration GR-1680) was partially assigned by proof of ownership from Ed Messman to Mayfield Farms LLC., c/o Chuck Eggert.
3. Notice of the application for groundwater registration modification was published on June 11, 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.

4. On February 10, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13197 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2020, 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 October 8, 2020, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13197 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 13, 2020, and in the Albany Democrat Herald newspaper on October 15, 2020, and October 22, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. (No) protests were filed in response to the notice.
6. The groundwater registration to be modified is as follows:

Registration: Application GR-1732 (Certificate of Registration GR-1680), in the name of ED MESSMAN (*assigned to Mayfield Farms LLC., c/o Chuck Eggert*)

Use: IRRIGATION of 14.1 ACRES

Tentative

Priority Date: OCTOBER 1954

Quantity: 250 GALLONS PER MINUTE AND 35.25 ACRE FEET PER YEAR

Source: PUMP WELL NO 1

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	3 W	WM	18	NW SE	PUMP WELL NO 1 - NORTH 5 DEGREES 30 MINUTES EAST 29.5 CHAINS FROM THE SW CORNER OF THE SE1/4 OF SECTION 18

Original Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	3 W	WM	18	NE SW	0.6
10 S	3 W	WM	18	NW SE	13.5
Total					14.1

7. Groundwater Registration Modification Application T-13197 proposes to modify the location of the original point of appropriation approximately between 3300 and 850 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in feet from the original well
10 S	3 W	WM	18	NW NE	WELL 5- 1320 FEET SOUTH AND 2420 FEET WEST FROM THE NE CORNER OF SECTION 18	850 feet
10 S	3 W	WM	18	SW NE	WELL 1- 2550 FEET SOUTH AND 1440 FEET WEST FROM THE NE CORNER OF SECTION 18	2030 feet

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in feet from the original well
10 S	3 W	WM	18	SW NE	WELL 2- 2345 FEET SOUTH AND 1530 FEET WEST FROM THE NE CORNER OF SECTION 18	1780 feet
10 S	3 W	WM	18	NW SE	WELL 3- 1980 FEET NORTH AND 2485 FEET WEST FROM THE SE CORNER OF SECTION 18	2800 feet
10 S	3 W	WM	18	NW SE	WELL 4- 1375 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 18	3300 feet

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

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

Conclusions of Law

The modification in point of appropriation proposed in Groundwater Registration Modification T-13197 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

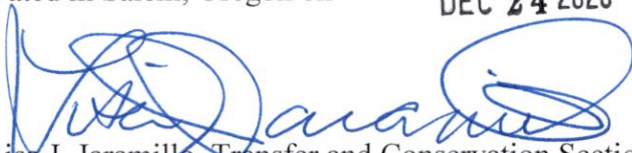
Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-1732 (Certificate of Registration GR-1680) proposed in Groundwater Registration Modification Application T-13197 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.
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-1732 (Certificate of Registration GR-1680) 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 as part of this groundwater certificate of registration.

5. The quantity of water diverted at the new points of appropriation (Wells 1, 2, 3, 4, and 5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well No. 1).
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated in Salem, Oregon on

DEC 24 2020



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

Mailing date: DEC 27 2020