

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

In the Matter of Ground Water)	FINAL ORDER RECOGNIZING AN
Registration Modification Application)	ADDITIONAL POINT OF
T-12115, Marion County)	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.

Applicant

FJD 2, LLC
13445 SW DAVIES RD
BEAVERTON, OR 97008

Findings of Fact

1. On July 24, 2015, FJD 2, LLC filed a ground water registration modification application to modify an additional point of appropriation and place of use under Registration Application GR-1592 (Certificate of Registration GR-1540). The Department assigned the application number T-12115.
2. On July 30, 2015, Registration Application GR-1592 (Certificate of Registration GR-1540) was partially assigned from DONALD DAVIDSON to DONALD DAVIDSON and FJD 2, LLC.
3. Notice of the application for ground water registration modification was published on August 4, 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 February 18, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12115 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 21, 2016, 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 March 15, 2016, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12115 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 March 22, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The ground water registration to be modified is as follows:

Registration: Application GR-1592 (Certificate of Registration GR-1540), in the name of DONALD DAVIDSON (partially assigned to DONALD DAVIDSON and FJD 2, LLC)

Use: IRRIGATION of 109.3 ACRES

Tentative

Priority Date: APRIL 30, 1950

Quantity: 313 GALLONS PER MINUTE

Source: A WELL within the MISSION CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	30	NE SE	280 FEET NORTH AND 400 FEET WEST THE FROM THE NE CORNER OF CERIL BERTRAND DLC 89

Original Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	2 W	WM	30	SW NE	10.1
4 S	2 W	WM	30	SE NE	17.2
4 S	2 W	WM	30	NE SE	22.0
4 S	2 W	WM	30	NW SE	12.9
4 S	2 W	WM	30	SW SE	12.9
4 S	2 W	WM	30	SE SE	22.0
4 S	2 W	WM	31	NE NE	7.6
4 S	2 W	WM	31	NW NE	4.6
Total:					109.3

7. Ground Water Registration Modification Application T-12115 proposes an additional point of appropriation approximately 990 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	30	SW NE	63	WELL 2: 3185 FEET NORTH AND 1520 FEET WEST FROM THE SE CORNER OF SECTION 30

8. Ground Water Registration Modification Application T-12115 proposes to modify the place of use under the ground water registration to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	30	SW NE	63	7.8
4 S	2 W	WM	30	SE NE	94	2.2
4 S	2 W	WM	30	SE NE	63	17.2
4 S	2 W	WM	30	NE SE	94	1.2
4 S	2 W	WM	30	NE SE	63	8.5
4 S	2 W	WM	30	NE SE	89	13.9
4 S	2 W	WM	30	NE SE	80	1.5
4 S	2 W	WM	30	NW SE	89	6.2
4 S	2 W	WM	30	NW SE	63	4.0
4 S	2 W	WM	30	SW SE	89	10.2
4 S	2 W	WM	30	SE SE	89	21.5
4 S	2 W	WM	30	SE SE	80	3.5
4 S	2 W	WM	31	NE NE	80	1.0
4 S	2 W	WM	31	NE NE	89	7.3
4 S	2 W	WM	31	NW NE	89	3.3
Total:						109.3

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

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

Conclusions of Law

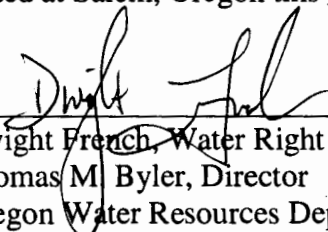
The additional point of appropriation and modification in place of use proposed in Ground Water Registration Modification T-12115 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore it is ORDERED:

1. The modifications to Registration Application GR-1592 (Certificate of Registration GR-1540) proposed in Ground Water Registration Modification Application T-12115 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-1592 (Certificate of Registration GR-1540) and any related decree.

3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation. The proposed point of appropriation must be completed in the alluvial aquifer.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point 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 26 day of April, 2016.



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

APR 29 2016

Mailing Date: _____