

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

In the Matter of Ground Water	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF MODIFICATIONS
T-12334, Marion County	)	IN AN ADDITIONAL POINT OF
	)	APPROPRIATION, CHANGE IN
	)	PLACE OF USE AND CHANGE IN
	)	CHARACTER 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**

JLR, LLC  
PO BOX 588  
WOODBURN, OR 97071

**Findings of Fact**

1. On April 11, 2016, JLR, LLC filed a ground water registration modification application to modify an additional point of appropriation, and change the character of use under Registration Application GR-2218 (Certificate of Registration GR-2123). The Department assigned the application number T-12334
2. On April 11, 2016, Registration Application GR-2218 (Certificate of Registration GR-2123) was assigned from General Foods Corp., Birds Eye Division to JLR, LLC.
3. Notice of the application for ground water registration modification was published on April 19, 2016, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On March 27, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12334 to the applicant. The draft Preliminary

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.

Determination cover letter set forth a deadline of April 26, 2017, 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 transfer.

5. On May 16, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12334 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 23, 2017, and in the Woodburn Independent newspaper on May 24, and 31, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
6. The ground water registration to be modified is as follows:

**Registration:** Application GR-2218 (Certificate of Registration GR-2123), in the name of General Foods Corporation, Birds Eye Division (*assigned to JLR, LLC*)

**Use:** FOOD PROCESSING

**Tentative**

**Priority Date:** FEBRUARY 15, 1946

**Quantity:** 750 GALLONS PER MINUTE (GPM)

**Source:** PUMP WELL 2 within the PUDDING RIVER BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	17	NW SW	1700 FEET NORTH AND 300 FEET EAST FROM THE SW CORNER OF SECTION 17

**Original Place of Use:**

Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	17	NW SW

7. Ground Water Registration Application GR-2218 (Certificate of Registration GR-2123) does describe the location of the point of appropriation, however information is available from the Engineer and application indicating that the point of appropriation is more accurately described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	17	NW SW	1830 FEET NORTH AND 490 FEET EAST FROM THE SW CORNER OF SECTION 17

8. Ground Water Registration Modification Application T-12334 proposes an additional point of appropriation approximately 50 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	17	NW SW	1840 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 17

9. Transfer Application T-12334 also proposes to change the place of use of the right to (include all of Tax Lot 700) :

Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	17	NW SW
5 S	1 W	WM	17	NE SW
5 S	1 W	WM	17	SW SW
5 S	1 W	WM	17	SE SW
5 S	1 W	WM	18	NE SE
5 S	1 W	WM	18	SE SE
5 S	1 W	WM	20	NE NW
5 S	1 W	WM	20	NW NW

10. Ground Water Registration Modification Application T-12334 proposes to modify the character of use under the ground water registration to General Industrial Use.

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

11. The proposed modifications would not result in enlargement of the ground water registration.
12. 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.
13. The proposed modifications would not result in injury to other water rights.

**Conclusions of Law**

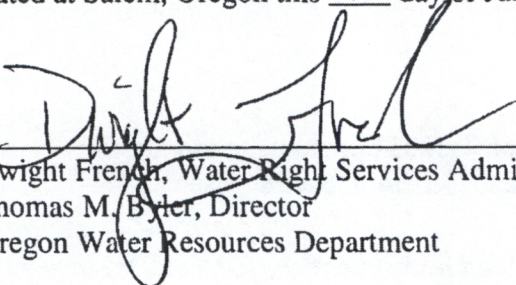
The additional point of appropriation and modification in character of use and place of use proposed in Ground Water Registration Modification T-12334 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

**Now, therefore, it is ORDERED:**

1. The modifications to Registration Application GR-2218 (Certificate of Registration GR-2123) proposed in Ground Water Registration Modification Application T-12334 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-2218 (Certificate of Registration GR-2123) 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 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. Water shall no longer be appropriated for the former character of use as part of this ground water certificate of registration.

Dated at Salem, Oregon this 10 day of July, 2017.

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

Mailing date: JUL 12 2017