

**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-11462, Lake County	)	IN POINTS OF APPROPRIATION AND
	)	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**

THE POPLARS RANCH INC.  
c/o ALAN PARKS, PRESIDENT  
59234 FORT ROCK RD  
SILVER LAKE, OR 97638

**Findings of Fact**

**Background**

1. On August 15, 2012, THE POPLARS RANCH INC. filed a ground water registration modification application to modify the point of appropriation and place of use under Registration Application GR-347 (Certificate of Registration GR-333). The Department assigned the application number T-11462.
2. On August 16, 2012, Application GR-347/GR Certificate of Registration GR-333 was assigned from Merritt Y. Parks and Ruby Helen Parks to The Poplars Ranch, Inc.
3. Notice of the application for ground water registration modification was published on August 28, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On October 4, 2012, the Department notified the applicant and agent that the lands from which the groundwater registration was proposed to be moved had also a layered water

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.

right under Certificate 81489, and that a transfer application would need to be filed to transfer the layered right, or Certificate 81489 would need to be canceled, or Application T-11462 would need to be withdrawn.

5. On January 3 and 8, 2013, the applicant submitted revised maps and application pages, identifying 53.8 acres for modification that are not layered with Certificate 81489, and adding an additional proposed well. Thus, the issue with a layered water right has been resolved.
6. On June 3, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11462 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 3, 2013, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, identified a few clerical errors that have been corrected in this document, and provided the necessary information to demonstrate that the applicant is authorized to pursue the Groundwater Registration Modification.
7. On July 16, 2013, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11462 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 30, 2013, and in the Lake County Examiner newspaper on July 30 and August 7, 2013, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
8. The portion of the ground water registration to be modified is as follows:

**Registration:** Application GR-347 (Certificate of Registration GR-333), in the name of Merritt Y. Parks and Ruby Helen Parks (*assigned to THE POPLARS RANCH INC.*)

**Use:** Irrigation of 53.8 ACRES

**Tentative**

**Priority Date:** 1922

**Quantity:** 496 gallons per minute (1.105 cubic feet per second)

**Source:** A WELL within the FORT ROCK BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	15 E	WM	4	SW NE	SOUTH 38 DEGREES 10 MIN WEST, 2440 FEET FROM NE CORNER OF SECTION 4

**Original Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Proposed changes
26 S	15 E	WM	33	SW SW		28.0	POA
26 S	15 E	WM	33	SW SW		2.0	POU & POA
27 S	15 E	WM	4	NE NE	1	11.9	POU & POA
27 S	15 E	WM	4	NE NE	1	0.9	POU
27 S	15 E	WM	4	NW NE	2	3.3	POU & POA
27 S	15 E	WM	4	SE NE		0.3	POU
27 S	15 E	WM	4	NE NW	3	1.7	POU & POA
27 S	15 E	WM	4	NW NW	4	5.7	POU & POA

9. Ground Water Registration Modification Application T-11462 proposes to modify the location of the original point of appropriation for some of the lands, and to use new points of appropriation, being Well 2 approximately 0.75 mile and Well 3 approximately 1.2 mile NW from the original well, for other lands included in this transfer:

**Proposed Points of Appropriation:**

Well	Well Log #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	LAKE 779	27 S	15 E	WM	4	SW NE	SOUTH 38 DEG 10 MIN WEST 2440 FEET FROM THE NE CORNER OF SECTION 4; (also described as 1800 FEET SOUTH AND 1120 FEET EAST FROM THE N¼ CORNER OF SECTION 4)
2	LAKE 483 & LAKE 484	26 S	15 E	WM	33	NW SW	1330 FEET NORTH AND 1330 FEET WEST FROM THE S¼ CORNER OF SECTION 33
3	LAKE 51764	26 S	15 E	WM	33	NW NW	1320 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33

10. Ground Water Registration Modification Application T-11462 proposes to modify the place of use under the ground water registration to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well
26 S	15 E	WM	33	NE NW		3.8	3
26 S	15 E	WM	33	NW NW		20.8	3
26 S	15 E	WM	33	SW SW		28.0	2
27 S	15 E	WM	4	NE NE	1	0.8	1
27 S	15 E	WM	4	SE NE		0.4	1

**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.  
Determination and Proposed Action

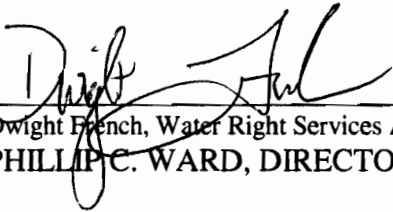
### **Conclusions of Law**

The modifications in point of appropriation and modification in place of use proposed in Ground Water Registration Modification T-11462 are 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-347(Certificate of Registration GR-333) proposed in Ground Water Registration Modification Application T-11462 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-347 (Certificate of Registration GR-333) 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 new points 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, from which the water use has been transferred, shall no longer receive water as part of the ground water certificate of registration.
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 point of appropriation (new and existing).
  - 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 device(s); provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated at Salem, Oregon this 11 day of September, 2013.

  
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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: SEP 12 2013