

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

In the Matter of Ground Water	)	FINAL ORDER APPROVING THE
Registration Modification Application	)	RECOGNITION OF ADDITIONAL
T-11105, Umatilla County	)	POINTS OF APPROPRIATION

**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**

MARLIN L. & BARBARA GOOD  
606 S. ELIZABETH STREET  
MILTON-FREEWATER, OR 97862

**Agent**

DENNIS BURKS  
84452 HIGHWAY 339  
MILTON-FREEWATER, OR 97862

**Findings of Fact**

***Background***

1. On July 8, 2010, Marlin L. Good filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1670 (Certificate of Registration GR-1621) by adding points of appropriation. The Department assigned the application number T-11105.
2. On July 12, 2010, Registration Application GR-1670 (Certificate of Registration GR-1621) was assigned from Cecil B. Stanton to Marlin L. Good.
3. The ground water registration to be modified is as follows:

**Registration:** Application GR-1670 (Certificate of Registration GR-1621), in the name of MARLIN L. GOOD

**Use:** SUPPLEMENTAL IRRIGATION OF 31.0 ACRES

**Tentative Priority Date:** 1922

**Quantity:** 135.6 GALLONS PER MINUTE

**Source:** A WELL within the Walla Walla River Basin

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.
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**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	28	NE SE	1310 FEET SOUTH AND 10 FEET WEST FROM THE E¼ CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
6 N	35 E	WM	28	NE SE	31.0

4. Ground Water Registration Modification Application T-11105 proposes to add two wells located northwest approximately 930 feet from the original point of appropriation:

**Proposed Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	28	NE SE	<b>POA#2</b> - 1820 FEET NORTH AND 850 FEET WEST FROM THE SE CORNER OF SECTION 28
6 N	35 E	WM	28	NE SE	<b>POA#3</b> - 1880 FEET NORTH AND 850 FEET WEST FROM THE SE CORNER OF SECTION 28

5. Notice of the application for ground water registration modification was published on July 20, 2010, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On April 26, 2012, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11105 to the applicants. The draft Preliminary Determination set forth a deadline of May 28, 2012, for the applicants to respond. On June 22, 2012, the agent for the applicants submitted a statement requesting the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the Groundwater Registration Modification.
7. On July 5, 2012, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11105 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department's weekly notice on July 10, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

8. The proposed points of appropriation POA#2 (UMAT 4757) and POA#3 (UMAT 4763) both develop the same (source) aquifer as that of the original authorized well (UMAT 4791). Under OAR 690-380-2110, any request for a change in point of appropriation is restricted to the same aquifer.
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.

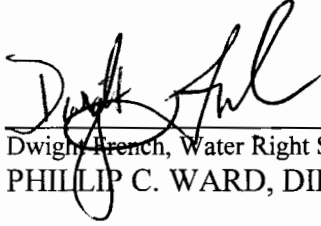
### **Conclusions of Law**

The modification in point of appropriation (additional points of appropriation) proposed in Ground Water Registration Modification T-11105 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-1670 (Certificate of Registration GR-1621) proposed in Ground Water Registration Modification Application T-11105 (additional points of appropriation) 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-1670 (Certificate of Registration GR-1621) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 4791).
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. Before water use may begin under this order, the water user shall install a totalizing flow meter on each new point of appropriation, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
6. The water user shall maintain the meters or measuring device in good working order.
7. 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 at Salem, Oregon this 10 day of August, 2012.



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

Mailing date: AUG 20 2012