

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

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-13067, Linn County)	IN 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 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

THOMAS E. AND KAREN M. AVINELIS
PO BOX 1028
JEFFERSON, OR 97352

Findings of Fact

1. On November 29, 2018, THOMAS E. AND KAREN M. AVINELIS filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1859 (Certificate of Registration GR-1800). The Department assigned the application number T-13067.
2. On January 2, 2018, Registration Application GR-1859 (Certificate of Registration GR-1800) was assigned from Mrs. Tessa Watkins to Thomas E. and Karen M. Avinelis.
3. Notice of the application for ground water registration modification was published on December 4, 2018, 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 4, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13067 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 5, 2019, for the applicants to respond. The applicants 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 February 6, 2019, the applicant's agent revised the location of the proposed point of appropriation.
6. On March 28, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13067 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 April 2, 2019, and in the Stayton Mail newspaper on April 10, and 17, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The ground water registration to be modified is as follows:

Registration: Application GR-1859 (Certificate of Registration GR-1800), in the name of MRS. TESSA WATKINS (*assigned to THOMAS E. AND KAREN M. AVINELIS*)

Use: IRRIGATION of 12.5 ACRES

Tentative

Priority Date: APRIL 1944

Quantity: 300 GALLONS PER MINUTE

Duty: 37.5 ACRE FEET PER YEAR

Source: PUMP WELL NO. 2

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	2 W	WM	17	NE NW	WELL 2 - SOUTH 81 DEGREES 40 MINUTES EAST 27.7 CHAINS FROM THE NW CORNER OF SECTION 17

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 W	WM	17	NW NE	1.3
10 S	2 W	WM	17	NE NW	11.2
Total					12.5

8. Ground Water Registration Modification Application T-13067 proposes to modify the location of the original point of appropriation approximately 0.3 mile Southwest from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	2 W	WM	17	SW NW	NEW WELL 1 - 1440 FEET SOUTH AND 760 FEET EAST FROM THE NW CORNER OF SECTION 17

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

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

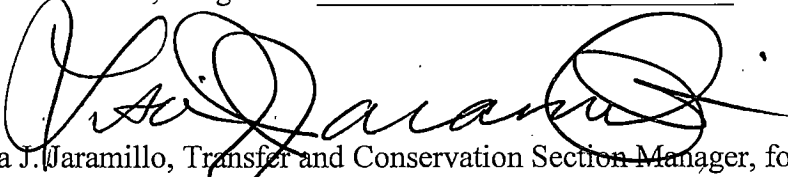
The modification in point of appropriation proposed in Ground Water Registration Modification T-13067 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-1859 (Certificate of Registration GR-1800) proposed in Ground Water Registration Modification Application T-13067 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-1859 (Certificate of Registration GR-1800) 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 (Well 2) as part of this ground water certificate of registration.

5. The quantity of water diverted at the new point of appropriation (New Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2).

Dated at Salem, Oregon this JUN 12 2019



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

Mailing date: JUN 13 2019