

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

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF AN ADDITIONAL
T-12868, Lane County)	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 groundwater 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 groundwater registration modification applications.

Applicant

MWE, LLC
ATTN: MARILYN REAR
91820 TERRITORIAL HWY
JUNCTION CITY, OR 97448

Findings of Fact

1. On March 12, 2018, MWE, LLC; ATTN: MARILYN REAR filed a groundwater registration modification application for an additional point of appropriation under Registration Application GR-1796 (Certificate of Registration GR-3995). The Department assigned the application number T-12868.
2. On January 22, 2018, Registration Application GR-1796 (Certificate of Registration GR-3995) was assigned from Vern Rishell to MWE, LLC.
3. Notice of the application for groundwater registration modification was published on March 20, 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 June 28, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12868 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 29, 2019, 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 August 27, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12868 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 August 27, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The groundwater registration to be modified is as follows:

Registration: Application GR-1796 (Certificate of Registration GR-3995), in the name of VERN RISHELL (*assigned to MWE, LLC*)

Use: IRRIGATION of 15.0 ACRES

Tentative

Priority Date: FEBRUARY 10, 1949

Quantity: 140 GALLONS PER MINUTE

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	4 W	WM	3	NW SW	OLD WELL - 300 FEET SOUTH AND 5 FEET EAST FROM THE W1/4 CORNER OF SECTION 3

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	4 W	WM	3	NW SW	10.0
16 S	4 W	WM	4	NE SE	5.0
Total					15.0

7. Groundwater Registration Modification Application T-12868 proposes an additional point of appropriation approximately 85 feet Southwest from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	4 W	WM	4	NE SE	NEW WELL - 340 FEET SOUTH AND 70 FEET WEST FROM THE E1/4 CORNER OF SECTION 4

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

8. The proposed modification would not result in enlargement of the groundwater registration.

9. The proposed modification would not result in injury to other water rights.

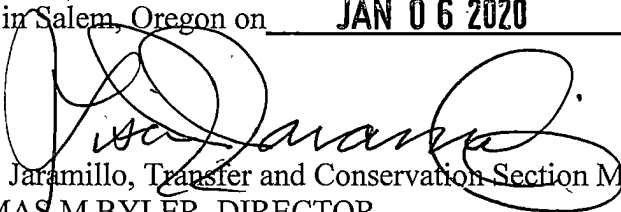
Conclusions of Law

The additional point of appropriation proposed in Groundwater Registration Modification T-12868 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-1796 (Certificate of Registration GR-3995) proposed in Groundwater Registration Modification Application T-12868 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater 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-1796 (Certificate of Registration GR-3995) 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 (New Well), together with that diverted at the original point of appropriation (Old Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Old Well).

Dated in Salem, Oregon on JAN 06 2020


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

Mailing date: JAN 07 2020