

**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-12045, Yamhill 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.

Applicants

KCK PARTNERS LLC
ATTN: RANDY CULLEY
11483 SE AMITY-DAYTON HWY
DAYTON, OR 97114

NORTHWEST FARM CREDIT SERVICES, FLCA
650 HAWTHORNE AVE, SUITE 210
SALEM, OR 97301

Findings of Fact

1. On April 21, 2015, KCK PARTNERS LLC filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-980 (Certificate of Registration GR-950). The Department assigned the application number T-12045.
2. On January 31, 2013, Registration Application GR-980 (Certificate of Registration GR-950) was assigned from KCK PARTNERS LLC to KCK PARTNERS LLC and NORTHWEST FARM CREDIT SERVICES, FLCA.
3. Notice of the application for ground water registration modification was published on April 28, 2015, 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 January 11, 2016, the Department contacted the applicant's agent by written correspondence (email) to notify them of deficiencies in the application. The main deficiency being that Registration Application GR-980 (Certificate of Registration GR-950) is also in the name of NW Farm Credit Services, FLCA and they are not currently party to the transfer application, there are also a couple of minor location description questions. The Department requested that the deficiencies be resolved by February 11, 2016. This date was later extended.
5. On January 11 and 13, 2016, the applicant's agent submitted documentation resolving the location description deficiencies.
6. On May 3, 2016, NORTHWEST FARM CREDIT SERVICES, FLCA was added to the transfer application as an applicant.
7. On May 6, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12045 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 6, 2016, 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 Groundwater Registration Modification.
8. On June 3, 2016, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12045 and sent 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 June 7, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The ground water registration to be modified is as follows:

Registration: Application GR-980 (Certificate of Registration GR-950), in the name of ARTHUR LEPPIN SR. (assigned to KCK PARTNERS, LLC and NORTHWEST FARM CREDIT SERVICES, FLCA)

Use: IRRIGATION of 96.0 ACRES

Tentative

Priority Date: OCTOBER 27, 1952

Quantity: 400 GALLONS PER MINUTE (GPM)

Source: A WELL within the YAMHILL RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	4 W	WM	36	SE NE	BEING 97 FEET ± WEST AND NORTH 20 DEGREES 55 MINUTES EAST 1240 FEET ± FROM IRON PIPE AT NW CORNER OF COUNTY SURVEY NO. 3238; SAID IRON PIPE BEING SOUTH 89 DEGREES 27 MINUTES WEST 785.4 FEET AND NORTH 20 DEGREES 34 MINUTES EAST 1102.86 FEET AND NORTH 20 DEGREES 55 MINUTES EAST 582.1 FEET FROM THE SE CORNER OF WILLIAM GOODRICH DLC

Original Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	4 W	WM	36	NW NE	8.0
4 S	4 W	WM	36	SW NE	33.0
4 S	4 W	WM	36	SE NE	2.0
4 S	4 W	WM	36	NE NW	12.0
4 S	4 W	WM	36	NW NW	2.0
4 S	4 W	WM	36	SW NW	6.0
4 S	4 W	WM	36	SE NW	33.0
Total:					96.0

10. The applicant further describes the GPS coordinates of the point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	GPS Coordinates
4 S	4 W	WM	36	SE NE	Latitude: 45.181674 Longitude: -123.119540

11. Ground Water Registration Modification Application T-12045 proposes to modify the location of the original point of appropriation approximately 20 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	GPS Coordinates
4 S	4 W	WM	36	SE NE	Latitude: 45.181532 Longitude: -123.11966

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

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


Conclusion of Law

The modification in point of appropriation proposed in Ground Water Registration Modification T-12045 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-980 (Certificate of Registration GR-950) proposed in Ground Water Registration Modification Application T-12045 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-980 (Certificate of Registration GR-950) 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 as part of this ground water certificate of registration.
5. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Dated at Salem, Oregon this 8th day of July, 2016.



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

Mailing Date: JUL 20 2016