

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

In the Matter of Groundwater	)	FINAL ORDER APPROVING THE
Registration Modification Application	)	RECOGNITION OF ADDITIONAL
T-13312, Marion, Polk County	)	POINTS OF APPROPRIATION AND
	)	MODIFICATION IN PLACE OF USE

**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**

CITY OF SALEM  
ATTN: JASON PULLEY  
555 LIBERTY ST SE ROOM 325  
SALEM, OR 97301

**Findings of Fact**

1. On December 17, 2019, CITY OF SALEM filed a groundwater registration modification application for additional points of appropriation and to modify the place of use under Registration Application GR-3509 (Certificate of Registration GR-3229). The Department assigned the application number T-13312.
2. Notice of the application for groundwater registration modification was published on December 31, 2019, 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.

3. On January 15, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13312 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 14, 2021, 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 Groundwater Registration Modification.
4. On March 17, 2021, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13312 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 March 23, 2021, and in the Statesman Journal newspaper on March 19 & 26, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The groundwater registration to be modified is as follows:

**Registration:** Application GR-3509 (Certificate of Registration GR-3229), in the name of  
CITY WATER DEPARTMENT  
**Use:** MUNICIPAL WATER SUPPLY  
**Tentative**  
**Priority Date:** 1940  
**Quantity:** 1100 GALLONS PER MINUTE  
**Source:** PUMP WELL within the NORTH SANTIAM RIVER BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	1 W	WM	13	NW NW	860 FEET SOUTH AND 660 FEET EAST FROM THE NW CORNER OF SECTION 13

**Original Place of Use:**

MUNICIPAL WATER SUPPLY				
Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	22	E1/2
7 S	3 W	WM	23	W1/2
7 S	3 W	WM	24	ALL
7 S	3 W	WM	27	ALL
7 S	3 W	WM	28	ALL
7 S	3 W	WM	34	N1/2
7 S	3 W	WM	35	N1/2

6. Groundwater Registration Modification Application T-13312 proposes additional points of appropriation approximately 0.5 mile, 0.1 mile and 0.5 mile from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	1 W	WM	11	SE SE	COLLECTOR WELL 2 - 705 FEET NORTH AND 1200 FEET WEST FROM THE NW CORNER OF SECTION 13
9 S	1 W	WM	13	NE NW	COLLECTOR WELL 1 - 980 FEET SOUTH AND 1450 FEET EAST FROM THE NW CORNER OF SECTION 13
9 S	1 W	WM	13	SW NE	COLLECTOR WELL 3 - 1815 FEET SOUTH AND 3155 FEET EAST FROM THE NW CORNER OF SECTION 13

7. Groundwater Registration Modification Application T-13312 proposes to modify the place of use under the groundwater registration to:

MUNICIPAL WATER SUPPLY
CITY OF SALEM SERVICE AREA

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

8. The proposed modifications would not result in enlargement of the groundwater registration.
9. 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.
10. The proposed modifications would not result in injury to other water rights.

**Conclusions of Law**

The additional points of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13312 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:**

- The modifications to Registration Application GR-3509 (Certificate of Registration GR-3229) proposed in Groundwater Registration Modification Application T-13312 are recognized. Recognition of the modifications 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.
- 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-3509 (Certificate of Registration GR-3229) and any related decree.
- Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

4. The quantity of water diverted at the proposed additional points of appropriation (Collector Well 1, 2, and 3), together with that diverted at the original point of appropriation (Pump Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well).

Dated in Salem, Oregon on **MAY 04 2021**

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

Mailing date:           **MAY 06 2021**