

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

In the Matter of Groundwater)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-13054, Marion 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 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

ERNEST AND LOLA ZIELINSKI TRUST
5050 HAZELGREEN ROAD NE
SALEM, OR 97305

Findings of Fact

1. On November 1, 2018, ERNEST AND LOLA ZIELINSKI TRUST filed a groundwater registration modification application to modify the point of appropriation under Registration Application GR-334 (Certificate of Registration GR-319). The Department assigned the application number T-13054
2. On October 22, 2018, Registration Application GR-334 (Certificate of Registration GR-319) was assigned from Peter Reitzenstein to the Ernest and Lola Trust.
3. Notice of the application for groundwater registration modification was published on November 27, 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 September 30, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13054 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 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 December 20, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13054 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 December 24, 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-334 (Certificate of Registration GR-319), in the name of PETER REITZENSTEIN (*assigned to ERNEST AND LOLA TRUST*)

Use: IRRIGATION of 20.0 ACRES

Tentative

Priority Date: OCTOBER 30, 1953

Quantity: 500 GALLONS PER MINUTE

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	32	SW SE	WELL - 1060 FEET SOUTH AND 2270 FEET WEST OF THE NE CORNER OF W. B. STEPHENS DLC 48

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	32	NW SE	11.5
6 S	2 W	WM	32	SW SE	8.5
Total					20.0

7. Groundwater Registration Modification Application T-13054 proposes to modify the location of the original point of appropriation approximately 420 feet NW from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	32	NW SE	WELL #1 (NEW POA) - 660 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER OF W. B. STEPHENS DLC 48

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 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 modification would not result in injury to other water rights.

Conclusions of Law

The modification in point of appropriation proposed in Groundwater Registration Modification T-13054 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-334 (Certificate of Registration GR-319) proposed in Groundwater Registration Modification Application T-13054 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-334 (Certificate of Registration GR-319) 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 groundwater certificate of registration.
5. The quantity of water diverted at the new point of appropriation (Well #1 – New POA), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).

FEB 05 2020

Dated in Salem, Oregon on _____



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

FEB 08 2020

Mailing date: _____