

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

In the Matter of Groundwater	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF MODIFICATIONS
T-12962, Marion County	)	OF A POINT OF APPROPRIATION
	)	AND 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**

BRUCE ERNST  
P.O.BOX 460  
ST.PAUL, OR. 97317

**Findings of Fact**

1. On June 29, 2018, Bruce Ernst filed a groundwater registration modification application to modify the point of appropriation and place of use under Registration Application GR-2447 (Certificate of Registration GR-2319). The Department assigned the application number T-12962
2. On June 29, 2018, Registration Application GR-2447 (Certificate of Registration GR-2319) was assigned from Irl Davis to Bruce Ernst.
3. Notice of the application for groundwater registration modification was published on July 3, 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 October 15, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12962 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 20, 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 Groundwater Registration Modification.
5. On March 24, 2020, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12962 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 24, 2020**, and in the Woodburn Independent newspaper on December 9 and 16, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the groundwater registration to be modified is as follows:

**Registration:** Application GR-2447 (Certificate of Registration GR-2319), in the name of IRL DAVIS (*assigned to* BRUCE ERNST)

**Use:** IRRIGATION of 7.3 ACRES

**Tentative**

**Priority Date:** MARCH 2, 1952

**Quantity:** 38.8 GALLONS PER MINUTE

**Source:** A WELL within the MILL CREEK BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	22	SE NE	AUTHORIZED WELL- 400 FEET NORTH AND 500 FEET WEST FROM THE E1/4 CORNER OF SECTION 22

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	22	NE SE	7.3

7. Groundwater Registration Modification Application proposes to modify the location of the original point of appropriation approximately 0.5 mile from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	22	SE SE	PROPOSED WELL- 595 FEET NORTH AND 100 FEET WEST FROM SE CORNER OF SECTION 22

8. Groundwater Registration Modification Application T-12962 proposes to modify the place of use under the groundwater registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	22	SE SE	1.3
4 S	1 W	WM	23	SW SW	6.0
Total					7.3

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

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

**Conclusions of Law**

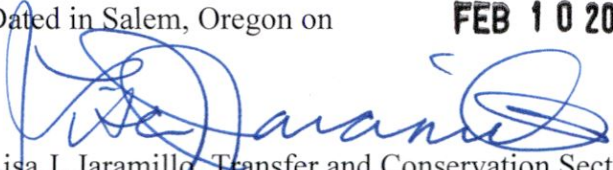
The modification of the point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-12962 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

**Now, therefore, it is ORDERED:**

1. The modifications to Registration Application GR-2447 (Certificate of Registration GR-2319) proposed in Groundwater Registration Modification Application T-12962 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.
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-2447 (Certificate of Registration GR-2319) 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 modified point of appropriation (proposed well), shall not exceed the quantity of water lawfully available at the original point of appropriation (original well).

5. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.
6. The new point of appropriation should be 200 feet from nearby domestic wells.

Dated in Salem, Oregon on **FEB 10 2021**



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

Mailing date: ~~\_\_\_\_\_ FEB 11 2021~~