

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

In the Matter of Groundwater)	FINAL ORDER APPROVING RECOGNITION
Registration Modification Application)	OF A MODIFICATION IN POINT OF
T-13937, Umatilla County)	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

VON DERAHE ORCHARDS LLC
56219 MARRACCI RD
WARREN, OR 97053

Findings of Fact

1. On March 2, 2022, VON DERAHE ORCHARDS LLC filed a groundwater registration modification application to modify the point of appropriation under Registration Application GR-2808 (Certificate of Registration GR-2650). The Department assigned the application number T-13937.
2. On March 22, 1960, Registration Application GR-2808 (Certificate of Registration GR-2650) was assigned from ROBERT R. IRELAND to MARCUS AND ELIZABETH VON DERAHE.

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 March 8, 2022, Registration Application GR-2808 (Certificate of Registration GR-2650) was assigned from MARCUS AND ELIZABETH VON DERAHE to VON DERAHE ORCHARDS, LLC.
4. Notice of the application for groundwater registration modification was published on March 15, 2022, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. On March 24, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13937 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 24, 2023, 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.
6. On May 3, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-13937 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 May 9, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The groundwater registration to be modified is as follows:

Registration: Application GR-2808 (Certificate of Registration GR-2650), in the name of ROBERT R. IRELAND (*assigned to* VON DERAHE ORCHARDS, LLC)

Use: IRRIGATION of 15.0 ACRES

Tentative

Priority Date: 1919

Quantity: 250 GALLONS PER MINUTE

Duty: 36.0 ACRE FEET PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	27	NE SW	1320 FEET NORTH AND 505 FEET WEST FROM THE S1/4 CORNER OF THE SECTION 27

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	27	NE SW	15.0

8. Groundwater Registration Modification Application T-13937 proposes to modify the location of the original point of appropriation approximately 10 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	27	NE SW	1330 FEET NORTH AND 500 FEET WEST FROM THE S1/4 CORNER OF SECTION 27

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

9. On April 13, 2022, the Department determined since the application does not specify well depth for the replacement well, the replacement well authorized by T-13937 shall be completed into the alluvial aquifer, to ensure water is appropriated from the same source.
10. The proposed modification would not result in enlargement of the groundwater registration.
11. 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.
12. The proposed modification, as conditioned, would not result in injury to other water rights.

Conclusions of Law

The modification in point of appropriation proposed in Groundwater Registration Modification T-13937 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-2808 (Certificate of Registration GR-2650) proposed in Groundwater Registration Modification Application T-13937 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-2808 (Certificate of Registration GR-2650) 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, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. The proposed new point of appropriation shall be completed into the alluvial aquifer.
7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated in Salem, Oregon on

JUN 28 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **JUN 29 2023**