

**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-13368, Marion County)	IN 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

NORTHSTAR COMMUNITIES, LLC
KARL IVANOV, MEMBER
9550 SE CLACKAMAS ROAD
CLACKAMAS, OR 97015

Findings of Fact

1. On February 3, 2020, NORTHSTAR COMMUNITIES, LLC, KARL IVANOV, MEMBER filed a groundwater registration modification application to modify the point of appropriation and place of use under Registration Application GR-305 (Certificate of Registration GR-284). The Department assigned the application number T-13368.
2. On February 13, 2020, Registration Application GR-305 (Certificate of Registration GR-284) was assigned from VICTOR L. RAMEY AND LORENA C. RAMEY to NORTHSTAR COMMUNITIES, LLC.

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. Notice of the application for groundwater registration modification was published on March 10, 2020, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On September 17, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13368 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 19, 2020, 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 31, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13368 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 January 5, 2021, 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-305 (Certificate of Registration GR-284), in the name of VICTOR L. RAMEY AND LORENA C. RAMEY (*assigned to* NORTHSTAR COMMUNITIES, LLC)

Use: IRRIGATION of 19.0 ACRES

Tentative

Priority Date: SEPTEMBER 1951

Quantity: 120.4 GALLONS PER MINUTE; 24.1 ACRE-FEET PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	32	NE SW	PUMP WELL - SOUTH 89° 06' WEST 3752.81 FEET AND SOUTH 18 ° 35' EAST 699.80 FEET FROM THE NE CORNER OF W.B. STEPHENS DLC NO. 48

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	32	NE SW	11.0
6 S	2 W	WM	32	SE SW	8.0
Total					19.0

7. Groundwater Registration Modification Application T-13368 proposes to modify the location of the original point of appropriation approximately 0.2 mile from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	32	NW SE	48	WELL 1 - 660 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER OF DLC 48

8. Groundwater Registration Modification Application T-13368 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	32	NE SW	48	7.5
6 S	2 W	WM	32	SE SW	48	5.8
6 S	2 W	WM	32	NW SE	48	3.5
6 S	2 W	WM	32	SW SE	48	2.2
Total						19.0

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 would not result in injury to other water rights.

Conclusions of Law

The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13368 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

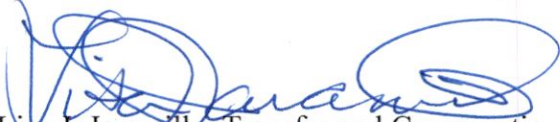
Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-305 (Certificate of Registration GR-284) proposed in Groundwater Registration Modification Application T-13368 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-305 (Certificate of Registration GR-284) 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 new point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump 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.

Dated in Salem, Oregon on

FEB 18 2021



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

Mailing date: **FEB 19 2021**