

**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-13558, Linn 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

OREGON STATE UNIVERSITY
COLLEGE OF AGRICULTURAL SCIENCES
C/O CARRIE BURKHOLDER
448 STRAND AGRICULTURE HALL
CORVALLIS, OR 97331

Findings of Fact

1. On November 16, 2020, OREGON STATE UNIVERSITY COLLEGE OF AGRICULTURAL SCIENCES C/O CARRIE BURKHOLDER filed a groundwater registration modification application to modify the point of appropriation under Registration Application GR-2993 (Certificate of Registration GR-2802). The Department assigned the application number T-13558.
2. Notice of the application for groundwater registration modification was published on December 22, 2020, 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 October 5, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13558 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 4, 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 9, 2022, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13558 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 15, 2022, 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: Registration Application GR-2993 (Certificate of Registration GR-2802), in the name of OREGON STATE COLLEGE
Use: IRRIGATION of 26.3 ACRES
Tentative
Priority Date: PRIOR TO 1939
Quantity: 180 GALLONS PER MINUTE
Source: PUMP WELL 2 within the OWL CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	4 W	WM	6	NE SE	1815 FEET SOUTH AND 1537 FEET WEST OF JAMES ROBINETTE DLC 52

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	6	SW NE	8.0
12 S	4 W	WM	6	SE NE	5.0
12 S	4 W	WM	6	NE SE	13.3
Total					26.3

6. Groundwater Registration Modification Application T-13558 proposes to modify the location of the recognized point of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from the Original well in Feet (ft.)
12 S	4 W	WM	6	NW SE	52	WELL 1- 1395 FEET SOUTH AND 1990 FEET WEST FROM THE NE CORNER OF DLC 52	550 ft.

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from the Original well in Feet (ft.)
12 S	4 W	WM	6	NE SE	52	WELL 2 - 1655 FEET SOUTH AND 1525 FEET WEST FROM THE NE CORNER OF DLC 52	150 ft.
12 S	4 W	WM	6	SW SE	52	WELL 3 - 1065 FEET NORTH AND 1730 FEET WEST FROM THE SE CORNER OF SECTION 6	850 ft.
12 S	4 W	WM	6	SW SE	52	WELL 4 - 1215 FEET NORTH AND 1870 FEET WEST FROM THE SE CORNER OF SECTION 6	880 ft.

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

7. The proposed modification would not result in enlargement of the groundwater registration.
8. 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.
9. 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-13558 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

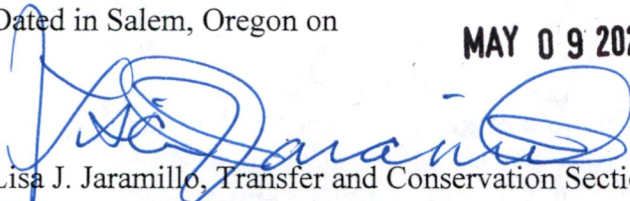
Now, therefore, it is ORDERED:

1. The modification Registration Application GR-2993 (Certificate of Registration GR-2802) proposed in Groundwater Registration Modification Application T-13558 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-2993 (Certificate of Registration GR-2802) 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 (original Well 2) of appropriation as part of this groundwater certificate of registration.

5. The quantity of water diverted at the new points of appropriation, (Well 1, Well 2, Well 3, and Well 4) shall not exceed the quantity of water lawfully available at the original point of appropriation (original Well 2).
6. 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.
 - 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

MAY 09 2022



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

MAY 10 2022

Mailing date: _____