

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

In the Matter of Ground Water)	FINAL ORDER
Registration Modification Application)	APPROVING RECOGNITION OF A
T-10344, Umatilla County)	MODIFICATION IN POINT OF
)	APPROPRIATION

Authority

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, type of use or point of appropriation under a ground water registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicants

Linden Knapp and Shauna Knapp
722 Crestview Place
Walla Walla, WA 99362

Findings of Fact

Background

1. On March 19, 2007, Linden Knapp filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-2825 (Certificate of Registration GR-2664). The Department assigned the application number T-10344.
2. In order to complete the ground water registration modification application, the applicant submitted an application map and a Land Use Information Form to the Department on March 29, 2007.
3. Linden Knapp amended the transfer application on May 14, 2007, to include Shauna Knapp as one of the applicants. Additionally, Shauna Knapp's original signature was included on the amended application.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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 May 30, 2007, GR-2825 (Certificate of Registration GR-2664) was assigned from H. G. Duggan to Linden and Shauna Knapp.

5. The portion of the ground water registration to be modified is as follows:

Registration: APPLICATION GR-2825 (CERTIFICATE OF REGISTRATION GR-2664),
in the name of H. G. DUGGAN (*assigned to Linden and Shauna Knapp*)

Use: IRRIGATION OF 8.14 ACRES

Tentative Priority Date: 1895

Quantity: 200.0 GALLONS PER MINUTE (GPM); 50.0 ACRE FEET PER YEAR

Source: A WELL, in the WALLA WALLA RIVER BASIN

Original Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Location
6 N	35 E	WM	35	SE SW	46 FEET NORTH AND 168 FEET WEST OF THE SOUTH ¼ CORNER OF SECTION 35

Original Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Acres
6 N	35 E	WM	35	SE SW	8.14

6. The Department received information that better describes the location of the original point of appropriation for Application GR-2825 (Certificate of Registration GR-2664) as follows:

Township	Range	Meridian	Sec	¼ ¼	Tax Lot	Location
6 N	35 E	WM	35	SE SW	1800	46 FEET NORTH AND 168 FEET WEST OF THE SOUTH ¼ CORNER OF SECTION 35

7. Application T-10344 proposes to modify the point of appropriation under the ground water registration. The proposed new point of appropriation, being approximately 1075 feet northwest from the original well, is to be located as follows:

Township	Range	Meridian	Sec	¼ ¼	Tax Lot	Location
6 N	35 E	WM	35	SE SW	1800	300 FEET NORTH AND 1296 FEET WEST OF THE SOUTH ¼ CORNER OF SECTION 35

8. Notice of the application for ground water registration modification was published on March 27, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

9. On May 1, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Application T-10344 to the applicant(s). The draft Preliminary Determination set forth a deadline of May 31, 2007, 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 applicants are authorized to pursue the transfer.

10. On June 12, 2007, the Department issued a Preliminary Determination proposing to approve Application T-10344 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 19, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

11. The proposed modification, as conditioned, would not result in enlargement of the ground water registration.
12. 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.
13. The proposed modification would not result in injury to other water rights.

Conclusions of Law


The modification in point of appropriation proposed in Application T-10344 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-2825 (Certificate of Registration GR-2664) proposed in Application T-10344 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the 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-2825 (Certificate of Registration GR-2664) 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 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. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 20 day of July 2007.



en Phillip C. Ward, Director

Mailing date: 7/24/2007