

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

In the Matter of Ground Water)	FINAL ORDER APPROVING OF
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-12541, Marion County)	OF ADDITIONAL POINTS 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 ground water 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 ground water registration modification applications.

Applicant

RD FARMS INC.
C/O STEVE DAVIDSON
4608 DAVIDSON RD NE
ST PAUL, OR 97137

Findings of Fact

1. On December 20, 2016, RD FARMS INC. C/O STEVE DAVIDSON filed a ground water registration modification application for additional points of appropriation under Registration Application GR-2172 (Certificate of Registration GR-2081). The Department assigned the application number T-12541.
2. On August 2, 1968, Registration Application GR-2172 (Certificate of Registration GR-2081) was assigned from P.M. Spirup to Raymond T. Davidson.
3. On December 20, 2016, Registration Application GR-2172 (Certificate of Registration GR-2081) was assigned from Raymond T. Davidson to RD Farms Inc. c/o Steve Davidson.

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. Notice of the application for ground water registration modification was published on December 27, 2016, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. On April 4, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12541 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 7, 2018, 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 2, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12541 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 8, 2018, and in the Woodburn Independent newspaper on May 9 and May 16, 2018 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The ground water registration to be modified is as follows:

Registration: APPLICATION GR-2172 (CERTIFICATE of REGISTRATION GR-2081),
in the name of RAYMOND T. DAVIDSON (*assigned to RD FARMS INC.
C/O STEVE DAVIDSON*)

Use: IRRIGATION of 119 ACRES

Tentative

Priority Date: FEBRUARY 1955

Quantity: 300 GALLONS PER MINUTE (GPM)

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	30	NE SE	2100 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 30

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	2 W	WM	29	SW NW	18.0
4 S	2 W	WM	29	NW SW	20.0
4 S	2 W	WM	29	SW SW	20.0
4 S	2 W	WM	30	SE NE	15.0
4 S	2 W	WM	30	NE SE	15.0
4 S	2 W	WM	30	SE SE	15.0
4 S	2 W	WM	31	NE NE	9.0
4 S	2 W	WM	32	NW NW	7.0
Total					119.0

8. Ground Water Registration Modification Application T-12541 proposes additional points of appropriation, located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original well location measured in feet (ft)
4 S	2 W	WM	30	NE SE	80	WELL 4 - 1565 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 30	570.4 ft
4 S	2 W	WM	32	NW NW	80	WELL 3 - 425 FEET SOUTH AND 180 FEET EAST FROM THE NW CORNER OF SECTION 32	2553.0 ft

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

9. The proposed modification would not result in enlargement of the ground water registration.
10. 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.
11. The proposed modification would not result in injury to other water rights.

Conclusions of Law

The additional points of appropriation proposed in Ground Water Registration Modification T-12541 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 modification to Registration Application GR-2172 (Certificate of Registration GR-2081) proposed in Ground Water Registration Modification Application T-12541 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water 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-2172 (Certificate of Registration GR-2081) 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 proposed additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Dated at Salem, Oregon this JUN 28 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 29 2018