

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

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF ADDITIONAL
T-11106, Umatilla County)	POINTS 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, character of use or point of appropriation under a ground water certificate of 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.

Applicant

WAYNE AND CHARLOTTE TRUMBULL
412 PARKVIEW STREET
MILTON-FREEWATER, OR 97862

Findings of Fact

Background

1. On July 8, 2010, Wayne M. Trumbull filed a ground water registration modification application to modify the point of appropriation water use under Registration Application GR-3349 (Certificate of Registration GR-3101). The Department assigned the application number T-11106.
2. On May 11, 1979, Registration Application GR-3349 (Certificate of Registration GR-3101) was assigned to Wayne M. Trumbull.
3. On August 28, 2012, Charlotte J. Trumbull was added as a co-applicant.
4. On September 27, 2012, Dennis Burks, agent for the applicant, requested the withdrawal of the Randall, Tax Lot 901 (0.67 acre) portion of this Groundwater Registration Application, and submitted an amended map to reflect the portion of the groundwater registration to be modified.

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.

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

Registration: Application GR-3349 (Certificate of Registration GR-3101), currently assigned the name of Wayne Trumbull

Use: Supplemental Irrigation of 9.03 ACRES

Tentative Priority Date: 1912

Quantity: 451.5 GALLONS PER MINUTE

Source: A WELL within the LITTLE WALLA WALLA RIVER Basin

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	27	SW SW	710 FEET NORTH AND 610 FEET EAST FROM SW CORNER OF SECTION 27

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
6 N	35 E	WM	27	SW SW	900	9.03

6. Ground Water Registration Modification Application T-11106 proposes to add two additional points of appropriation northwest approximately 1865 feet from the original POA located:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	28	NE SE	POA#2 - 1820 FEET NORTH AND 850 FEET WEST FROM SE CORNER OF SECTION 28
6 N	35 E	WM	28	NE SE	POA#3 - 2050 FEET NORTH AND 740 FEET WEST FROM SE CORNER OF SECTION 28

7. Notice of the application for ground water registration modification was published on July 20, 2010, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
8. On March 16, 2012, the Department mailed a copy of the draft Preliminary Determination to the applicant, proposing to approve the recognition of changes proposed in Ground Water Registration Modification Application T-11106. The draft Preliminary Determination set forth a deadline of April 15, 2012 for the applicant to respond. On April 26, 2012, the agent, on behalf of the applicant, requested additional time in which to gather the rest of the needed items from the other landowner.
9. On August 22, 2012, Dennis Burks, the agent, on behalf of the applicant, submitted a written response requesting the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the modification. On September 27, 2012, the applicant requested the withdrawal of the 0.67 acre, Tax Lot 901 (Randall) portion of the application and provided a new map.
10. On October 5, 2012, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11106 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

October 9, 2012, and in the Walla Walla Union Bulletin newspaper on October 12, 19 and 26, 2012, 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 would not result in enlargement of the ground water registration.
12. The Department has determined that the proposed wells (UMAT 4757 & UMAT 5496) will develop the same source of water as the authorized existing well (UMAT 4744). The new proposed additional wells develop the alluvial system overlying the Columbia River Basalt group.
13. 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.
14. The proposed modification would not result in injury to other water rights.

Conclusions of Law

The modification to add additional points of appropriation, proposed in Ground Water Registration Modification T-11106, is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

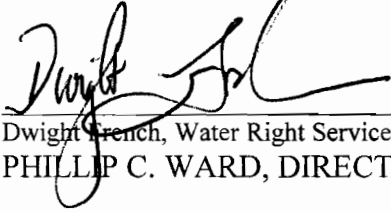
Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-3349 (Certificate of Registration GR-3101) proposed in Ground Water Registration Modification Application T-11106 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-3349 (Certificate of Registration GR-3101) 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 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.

5. Water measurement condition:

- 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 additional 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 at Salem, Oregon this 26 day of November, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: NOV 29 2012