

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

In the Matter of Ground Water )  
Registration Modification Application )  
T-12328, Marion County )  
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 )  
 )

FINAL ORDER APPROVING THE  
RECOGNITION OF MODIFICATIONS IN  
POINTS OF APPROPRIATION, PLACE  
OF USE AND PARTIAL  
CANCELLATION OF A WATER RIGHT

**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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

MARION CHURCH OF GOD (SEVENTH DAY)  
7478 STAYTON ROAD SE  
TURNER, OR 97392

**Findings of Fact**

1. On April 5, 2016, Marion Church of God (Seventh Day) filed a ground water registration modification application to modify the points of appropriation and place of use under Registration Application GR-117 (Certificate of Registration GR-108). The Department assigned the application number T-12328
2. On April 6, 2016, Registration Application GR-117 (Certificate of Registration GR-108) was partially assigned from A.B. Hinz to Marion Church of God (Seventh Day).
3. Notice of the application for ground water registration modification was published on April 12, 2016, 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.

4. On March 22, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12328 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 24, 2017, 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.
5. On July 12, 2017, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12328 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 July 18, 2017, and in the Stayton Mail newspaper on July 26 and August 2, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the ground water registration to be modified is as follows:

**Registration:** GR-117 (Certificate of Registration GR-108), in the name of A. B. HINZ (partially assigned to Marion Church of God (Seventh Day)).

**Use:** IRRIGATION of 3.4 ACRES

**Tentative**

**Priority Dates:** DECEMBER 10, 1948, 1950

**Quantity:** 20.85 Gallons per Minute (GPM) or (0.046 Cubic Feet per Second (CFS))

**Source:** WELLS #1 and #2 within the LOGAN SLOUGH BASIN

**Original Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	2 W	WM	27	SW SE	WELL 2-500 FEET NORTH AND 1740 FEET WEST FROM THE SE CORNER OF SECTION 27
9 S	2 W	WM	27	SE SE	WELL 1 -850 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 27

**Original Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	GPM	CFS (additional information)	Well #	Priority dates
9 S	2 W	WM	27	SE SE	3.40	11.23	0.025	1	12/10/1948
						9.62	0.021	2	1950
Totals						20.85	0.046		

7. Ground Water Registration Modification Application T-12328 proposes to modify the location of the recognized points of appropriation approximately between 400 and 1700 feet from the recognized wells to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	2 W	WM	27	SE SE	POA No 1 - 657 FEET NORTH AND 78 FEET WEST FROM THE SE CORNER OF SECTION 27
9 S	2 W	WM	26	SW SW	POA No. 2 - 771 FEET NORTH AND 36 FEET EAST FROM THE SE CORNER OF SECTION 27

8. Ground Water Registration Modification Application T-12328 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	2 W	WM	26	SW SW	2.0
9 S	2 W	WM	27	SE SE	1.4
Total					3.4

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

9. The proposed modifications would not result in enlargement of the ground water registration.
10. The proposed modifications would not result in 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.

**Partial Cancellation of a Water Right**

12. On April 5, 2016, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Will McGill.  
The portion of the right to be cancelled is as follows:

**Certificate:** 26440 in the name of Y.M. MCGILL (perfected under Permit S-22150)

**Use:** IRRIGATION of 0.7 ACRE

**Priority Date:** FEBRUARY 25, 1953

**Rate:** 0.008 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** NORTH SANTIAM RIVER a tributary to the WILLAMETTE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	2 W	WM	34	NE NE	As projected within Chamness DLC 59
9 S	2 W	WM	34	SW NE	As projected within Chamness DLC 59

**Authorized Place of Use to be cancelled:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	2 W	WM	27	SE SE	59	0.70

**Conclusions of Law**

The modification in points of appropriation and place of use proposed in Ground Water Registration Modification T-12328 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, the abandoned right should be cancelled.

**Now, therefore, it is ORDERED:**

1. The modifications to Registration Application GR-117 (Certificate of Registration GR-108) proposed in Ground Water Registration Modification Application T-12328 are recognized and the abandoned right is cancelled. Recognition of the modifications 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-117 (Certificate of Registration GR-108) 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 recognized points of appropriation as part of this ground water certificate of registration.
5. The quantity of water diverted at the new points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. The former place of use of the modified ground water registration shall no longer receive water as part of the ground water certificate of registration.

Dated at Salem, Oregon this 7 day of September 2017.

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

**SEP 13 2017**

Mailing date: \_\_\_\_\_