

4. Notice of the application for groundwater registration modification was published on January 15, 2019, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. On October 11, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13084 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 12, 2019, 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 applicant is authorized to pursue the transfer.
6. On November 19, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13084 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 November 19, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

7. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-122 (Certificate of Registration GR-113), in the name of TERRA ENTERPRISE LLC, DBA FIVE OAK FARMS/JERRY DITCHEN (*partially assigned to Walter Lierman*); as modified by Special Order Volume 98, Page 1031

Use: IRRIGATION OF 10.0 ACRES

Tentative

Priority Date: JULY 29, 1955

Quantity: 31.4 GALLONS PER MINUTE

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	26	NW SE	1375 FEET NORTH AND 1725 FEET WEST FROM THE SE CORNER OF SECTION 26

Recognized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	26	NE SE	41	WELL #2 - 2130 FEET NORTH AND 750 FEET WEST FROM THE SE CORNER OF SECTION 26
6 S	2 W	WM	26	NW SE	46	WELL #1 - 1520 FEET NORTH AND 2365 FEET WEST FROM THE SE CORNER OF SECTION 26

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	26	NE SW	7.2
6 S	2 W	WM	26	NW SE	2.5
Total					10.0

8. Groundwater Registration Modification Application T-13084 proposes to modify the location of the recognized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from recognized points of appropriation in feet (ft.)	
6 S	2 W	WM	26	NW SE	41	WELL #1 (NEW POA) - 100 FEET NORTH AND 350 FEET EAST FROM THE NE CORNER OF DLC 46	WELL #1	WELL #2
							947.3 ft.	968.9 ft.

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

9. The proposed modification would not result in enlargement of the groundwater 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

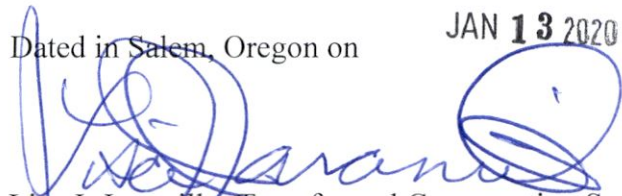
The modification in points of appropriation proposed in Groundwater Registration Modification T-13084 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-122 (Certificate of Registration GR-113) proposed in Groundwater Registration Modification Application T-13084 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-122 (Certificate of Registration GR-113) 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 groundwater certificate of registration.

5. The quantity of water diverted at the new point of appropriation (Well #1 new POA), shall not exceed the quantity of water lawfully available at the recognized points of appropriation (Well #1 and Well #2).

Dated in Salem, Oregon on **JAN 13 2020**



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

Mailing date: JAN 14 2020