BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Groundwater)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-13084, Marion County)	IN 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 groundwater 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 groundwater registration modification applications.

Applicant

WALTER AND LORA LIERMAN 8127 NUTMEG ST NE **SALEM, OR 97305**

Findings of Fact

- On December 27, 2018, WALTER AND LORA LIERMAN filed a groundwater registration modification application to modify the points of appropriation under Registration Application GR-122 (Certificate of Registration GR-113). The Department assigned the application number T-13084.
- On June 9, 2015, Registration Application GR-122 (Certificate of Registration GR-113) was assigned from ED HASELBACHER to TERRA ENTERPRISE LLC, DBA FIVE OAK FARMS/JERRY DITCHEN.
- On January 3, 2019, Registration Application GR-122 (Certificate of Registration GR-113) was partially assigned from TERRA ENTERPRISE LLC, DBA FIVE OAK FARMS/JERRY DITCHEN to WALTER LIERMAN.

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 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.
 - 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

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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:

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

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		te distance nized points of on in feet (ft.)
6 S 2 W	2 W	W WM	26	NIW CE	41	WELL #1 (NEW POA) - 100 FEET NORTH AND 350	WELL #1	WELL #2
0.5	6 S 2 W WM 26 NW SE 41	41	FEET EAST FROM THE NE CORNER OF DLC 46	947.3 ft.	968.9 ft.			

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

- 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:

- 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.
- 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 dive	erted at the new poi	nt of appropriation (Well #1 new POA), shall
	not exceed the quantity of	water lawfully ava	ilable at the recognized points of appropriation
	(Well #1 and Well #2).		
Dat	ed 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