

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	34	NW SW	1090 feet South and 1250 feet East from the W¼ Corner of Section 34

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	34	NW SW	8.0

4. The Department received information that better describes the location of the original point of appropriation for Application GR-1137 (Certificate of Registration GR-1097) as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	34	NW SW	875 feet South and 1310 feet East from the W¼ Corner of Section 34

5. Ground Water Registration Modification Application T-10640 proposes to modify the ground water registration by adding a point of appropriation to the ground water registration as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	34	NW SW	925 feet South and 1205 feet East from the W¼ Corner of Section 34

6. Notice of the application for ground water registration modification was published on June 3, 2008, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
7. On June 5, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-10640 to the applicants. The draft Preliminary Determination set forth a deadline of July 6, 2009, 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 groundwater registration modification.
8. On August 31, 2009, the Department issued a Preliminary Determination proposing to approve Ground Water Registration Modification Application T-10640 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the application was published in the Department's weekly notice on September 8, 2009, 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)]

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.

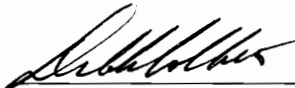
Conclusions of Law

The modification for an additional point of appropriation proposed in Ground Water Registration Modification T-10640 appears to be 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-1137 (Certificate of Registration GR-1097) proposed in Ground Water Registration Modification Application T-10640 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-1137 (Certificate of Registration GR-1097) 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 additional point 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. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 19th day of October 2009.


Phillip C. Ward, Director *tz*

Mailing date: OCT 21 2009