BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-11800, Yamhill County)	IN POINT 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.

Applicants

DAVID G. AND THERESA A. PAYSINGER 16303 SE WALLACE RD DAYTON, OR 97114

Findings of Fact

- 1. On April 24, 2014, DAVID G. AND THERESA A. PAYSINGER filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1735 (Certificate of Registration GR-1700). The Department assigned the application number T-11800
- On April 24, 2014, Registration Application GR-1753 (Certificate of Registration GR-1700) was assigned from JAMES C. SHELBURNE to DAVID G. AND THERESA A. PAYSINGER.
- 3. Notice of the application for ground water registration modification was published on May 6, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
- 4. On October 1, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Ground Water Registration Modification Application T-11800 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 3, 2014, 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 applicants are authorized to pursue the Ground Water Registration Modification.

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. On October 14, 2014, the Department issued a Preliminary Determination proposing to approve Ground Water Registration Modification Application T-11800 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the Ground Water Registration Modification application was published on the Department's weekly notice on October 21, 2014, 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: Ground Water Registration Application GR-1753 (Certificate

of Registration GR-1700), in the name of JAMES C. SHELBURNE (assigned to DAVID G. AND THERESA A.

DAVGINGED)

PAYSINGER)

Use: IRRIGATION of 14.0 ACRES

Tentative Priority Date: MARCH 20, 1953

Quantity: 152 GALLONS PER MINUTE

Source: A WELL within the WARNER CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer Sec Q-Q DLC Measured Dis		Q-Q DLC		Measured Distances
5 S	3 W	WM	16	NW NE	56	950 FEET SOUTH AND 450 FEET EAST FROM THE N1/4 CORNER OF SECTION 16

Original Place of Use:

	IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres		
5 S	3 W	WM	16	NE NE	56	7.4		
5 S	3 W	WM	16	NW NE	56	6.6		

7. The applicant's CWRE provided information to the Department that more accurately describes the place of use for Registration Application GR-1753 (Certificate of Registration GR-1700). The following table lists the place of use, of the entire Registration, as described in Ground Water Registration Application GR-1753 (Certificate of Registration GR-1700) and the proposed re-description:

Original Do		Proposed Re-Description of Place of Use			
Q-Q	Acres	Q-Q	Acres		
NW NE	15.0	NW NE	10.6		
NE NE	NE NE 8.0		12.4		
Township 5 South, Range 3 West, Sectio					

8. Ground Water Registration Modification Application T-11800 proposes to modify the location of the original point of appropriation approximately 280 feet from the original well to:

Twp	Rng	Mer	Mer Sec Q-Q DLC Measured D		Measured Distances	
5 S	3 W	WM	16	NW NE	56	795 FEET SOUTH AND 690 FEET EAST FROM THE N1/4 CORNER OF SECTION 16

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 in point of appropriation proposed in Ground Water Registration Modification T-11800 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-1753 (Certificate of Registration GR-1700) proposed in Ground Water Registration Modification Application T-11800 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-1753 (Certificate of Registration GR-1700) 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 original point of appropriation as part of this ground water certificate of registration.

5. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
 Dated at Salem, Oregon this 25 day of November, 2014.

Dwight French, Water Right Services Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department