



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. 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 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 Description of Place of Use		Proposed Re-Description of Place of Use	
Q-Q	Acres	Q-Q	Acres
NW NE	15.0	NW NE	10.6
NE NE	8.0	NE NE	12.4
Township 5 South, Range 3 West, Section 16			

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	Sec	Q-Q	DLC	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:**

1. 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.



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

Mailing Date: DEC 05 2014