

**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-13125, Marion County)	IN POINT OF APPROPRIATION AND
)	PLACE OF USE

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

PAUL AND SUSAN FOBERT
18899 FOBERT RD NE
HUBBARD, OR 97032

Findings of Fact

1. On February 19, 2019, PAUL AND SUSAN FOBERT filed a groundwater registration modification application to modify the point of appropriation and place of use under Registration Application GR-1614 (Certificate of Registration GR-1571). The Department assigned the application number T-13125.
2. On February 21, 2019, Registration Application GR-1614 (Certificate of Registration GR-1571) was partially assigned from ED BUDREAU to PAUL AND SUSAN FOBERT.
3. Notice of the application for groundwater registration modification was published on February 26, 2019, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

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. On November 4, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13125 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 5, 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.
5. On December 20, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13125 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 December 24, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Registration: Application GR-1614 (Certificate of Registration GR-1571), in the name of ED BUDREAU (*partially assigned to* PAUL AND SUSAN FOBERT)

Use: IRRIGATION of 8.6 ACRES

Tentative

Priority Date: JUNE 1950

Quantity: 57.3 GALLONS PER MINUTE

Source: A WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	26	SW NE	AUTHORIZED WELL - 1600 FEET SOUTH AND 1900 FEET WEST FROM THE NE CORNER OF SECTION 26

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	26	NE NE	3.0
4 S	1 W	WM	26	NW NE	1.8
4 S	1 W	WM	26	SW NE	1.3
4 S	1 W	WM	26	SE NE	2.5
Total					8.6

7. Groundwater Registration Modification Application T-13125 proposes to modify the location of the original point of appropriation approximately 521 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	26	NW NE	PROPOSED WELL - 1020 FEET NORTH AND 230 FEET WEST FROM THE SE CORNER OF DLC 52

8. Groundwater Registration Modification Application T-13125 also proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	26	NW NE	1.6
4 S	1 W	WM	26	NE NW	7.0
Total					8.6

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

9. The proposed modifications would not result in enlargement of the groundwater registration.
10. The proposed modifications 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 modifications would not result in injury to other water rights.

Conclusions of Law

The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13125 are 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 modifications to Registration Application GR-1614 (Certificate of Registration GR-1571) proposed in Groundwater Registration Modification Application T-13125 are recognized. Recognition of the modifications 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-1614 (Certificate of Registration GR-1571) 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 groundwater certificate of registration.
5. The quantity of water diverted at the new point of appropriation (Proposed Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Authorized Well).

6. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.

Dated in Salem, Oregon on **FEB 04 2020**


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

Mailing date: **FEB 08 2020**