

**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-12563, Linn County)	IN POINT 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 ground water 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 ground water registration modification applications.

Applicant

LINDA DAVIS
5237 CHAPMAN ST S
SALEM, OR 97306

Findings of Fact

1. On January 9, 2017, LINDA DAVIS filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-4250 (Certificate of Registration GR-3836). The Department assigned the application number T-12563
2. On January 17, 2017, Registration Application GR-4250 (Certificate of Registration GR-3836) was partially assigned from Gordon H. and Hazel G. Hoefer to Linda Davis.
3. Notice of the application for ground water registration modification was published on January 24, 2017, 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 June 4, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12563 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 5, 2018, for the applicant to respond. The applicant 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 July 2, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12563 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 July 3, 2018, and in the Albany Democrat Herald newspaper on July 6 and 13, 2018 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. On July 5, 2018, the Department identified a scrivener's error in the quantity of water to be transferred in the modification in point of appropriation. The applicant is modifying the point of appropriation for 6.0 acres, and not the full amount of 45.8 acres, as authorized by Registration Application GR-4250 (Certificate of Registration GR-3836).
7. On July 26, 2018, the Department mailed a copy of a revised draft Preliminary Determination proposing to approve Transfer Application T-12563 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 24, 2018, for the applicant to respond. The applicant 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.
8. On September 20, 2018, the Department issued a revised Preliminary Determination proposing to approve Transfer T-12563 and mailed a copy to the applicant. Additionally, notice of the revised Preliminary Determination for the transfer application was published on the Department's weekly notice on September 25, 2018 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

9. The portion of the ground water registration to be modified is as follows:

Registration: APPLICATION GR-4250 (CERTIFICATE OF REGISTRATION GR-3836), IN THE NAME OF GORDON H. and HAZEL G. HOEFER
(partially assigned to LINDA DAVIS)

Use: IRRIGATION of 6.0 ACRES

Tentative

Priority Date: 1953

Quantity: 39.3 GALLONS PER MINUTE (GPM); 2.0 ACRE-FEET (AF) PER YEAR

Source: PUMP WELL #6

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	4 W	WM	12	SE SW	PUMP WELL #6 - NORTH 83 DEGREES 30 MINUTES WEST, 59.32 CHAINS FROM THE SE CORNER OF SECTION 12

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	4 W	WM	12	SE SW	6.0

10. Ground Water Registration Modification Application T-12563 proposes to modify the location of the original point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the original well in feet (ft.)
10 S	4 W	WM	12	SW SE	PUMP WELL #2 - NORTH 58 DEGREES 30 MINUTES WEST, 35.3 CHAINS FROM THE SE CORNER OF SECTION 12	2,055.3 ft.
10 S	4 W	WM	12	SW SE	PUMP WELL #1 - NORTH 65 DEGREES 10 MINUTES WEST, 43.5 CHAINS FROM THE SE CORNER OF SECTION 12	1,493.8 ft.

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

11. The proposed modification would not result in enlargement of the ground water registration.
12. 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.
13. 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-12563 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-4250 (Certificate of Registration GR-3836) proposed in Ground Water Registration Modification Application T-12563 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-4250 (Certificate of Registration GR-3836) 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 new points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated at Salem, Oregon this NOV 08 2018.



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

Mailing date: NOV 09 2018