

**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-11796, Lane County)	IN PLACE OF USE

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.

Applicant

DELORES ANN O'BRIEN LIVING TRUST, UTD
3790 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97478

Findings of Fact

1. On April 21, 2014, DELORES ANN O'BRIEN LIVING TRUST, UTD filed a ground water registration modification application to modify the place of use under Registration Application GR-4181 (Certificate of Registration GR-3832). The Department assigned the application number T-11796.
2. On October 7, 1963, Registration Application GR-4181 (Certificate of Registration GR-3832) was assigned from PAUL E. COLDIRON, sometimes spelled COLDVION in the file, to JAMES B. O'BRIEN.
3. On April 22, 2014, Registration Application GR-4181 (Certificate of Registration GR-3832) was assigned from JAMES B. O'BRIEN to DELORES ANN O'BRIEN LIVING TRUST, UTD.
4. 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.

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 1, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11796 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 3, 2014, for the applicant to respond.
6. 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 Groundwater Registration Modification.
7. On November 19, 2014, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11796 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department's weekly notice on November 25, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
8. The portion of the ground water registration to be modified is as follows:

Registration: Ground Water Registration Application GR-4181 (Certificate of Registration GR-3832), in the name of PAUL E. COLDIRON (*assigned to DELORES ANN O'BRIEN LIVING TRUST, UTD*)

Use: IRRIGATION of 6.14 ACRES

Tentative Priority Date: 1935

Quantity: 61 GALLONS PER MINUTE

Source: A WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	2 W	WM	19	SE NE	NORTH 25 DEGREES WEST 3040 FEET FROM THE SE CORNER OF SECTION 19

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	2 W	WM	19	NE NE	0.27
17 S	2 W	WM	19	NW NE	5.87
Total:					6.14

9. The applicant's CWRE has provided additional information more precisely describing the point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	2 W	WM	19	SE NE	NORTH 24 DEGREES 48 MINUTES 43 SECONDS WEST, 3045 FEET FROM THE SE CORNER OF SECTION 19

10. Ground Water Registration Modification Application T-11796 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	2 W	WM	19	SE NE	3.65
17 S	2 W	WM	19	NE SE	2.49
Total:					6.14

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.

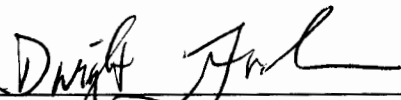
Conclusion of Law

The modification in place of use proposed in Ground Water Registration Modification T-11796 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-4181 (Certificate of Registration GR-3832) proposed in Ground Water Registration Modification Application T-11796 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-4181 (Certificate of Registration GR-3832) and any related decree.
3. The former place of use of the modified ground water registration shall no longer receive water as part of the ground water certificate of registration.

Dated at Salem, Oregon this 29 day of December, 2014.



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

Mailing Date: JAN 08 2015