BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Groundwater	)	FINAL ORDER
Registration Modification Application	)	APPROVING RECOGNITION OF A
T-14249, Linn County	)	MODIFICIATION IN 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

DAVID AND KAITLYN BRAUN
35642 TENNESSEE RD SE
ALBANY, OR 97322

Findings of Fact

1. On May 24, 2023, David and Kaitlyn Braun, filed a Groundwater Registration Modification application to modify the place of use under Registration Application GR-1927 (Certificate of Registration GR-1855). The Department assigned the application number T-14249.

2. On May 25, 2023, Registration Application GR-1927 (Certificate of Registration GR-1855) was assigned from Sylvia Carter to David and Kaitlyn Braun.

3. Notice of the application for Groundwater Registration Modification was published on May 30, 2023, 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 October 31, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-14249 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 1, 2024, 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 Groundwater Registration Modification.

5. On February 3, 2025, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-14249 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 February 4, 2025, pursuant to ORS 540.520 and OAR 690-382-0800. 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-1927 (Certificate of Registration GR-1855), in the name of SYLVA CARTER *(assigned to DAVID and KAITLYN BRAUN)*
Use: IRRIGATION of 6. 0 ACRES
Tentative Priority Date: 1942
Quantity: 57.47 GALLONS PER MINUTE
Source: PUMP WELL NO. 1

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	2 W	WM	35	NE NE	NORTH 17 DEGREES 40 MINUTES WEST AND 17.5 CHAINS FROM THE SE CORNER OF DLC 57

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	2 W	WM	26	SE SE	4.0
11 S	2 W	WM	35	NE NE	1.0
11 S	2 W	WM	35	SE NE	1.0
				Total	6.0

7. Groundwater Registration Modification Application T-14249 proposes to modify the place of use under the groundwater registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	26	SE SE	57	2.3
11 S	2 W	WM	35	NE NE	57	3.7
					Total	6.0

Review Criteria for Groundwater Registration Modification Applications
[OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1) and 690-380-2200]

8. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.

9. The proposed modification as conditioned would not result in enlargement of the registration.

10. The proposed modification would not result in injury to other water rights.

11. All other application requirements are met.

Conclusions of Law

The modification in place of use proposed in Groundwater Registration Modification T-14249 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-1927 (Certificate of Registration GR-1855) proposed in Groundwater Registration Modification Application T-14249 is recognized. Recognition of the modification 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-1927 (Certificate of Registration GR-1855) and any related decree.

3. Approval of this Groundwater Registration Modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.

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

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 (new and existing).

   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 in Salem, Oregon on MAR 11 2025

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: MAR 12 2025