

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Groundwater)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF ADDITIONAL
T-13062, Marion, Polk County)	POINTS OF APPROPRIATION, A
)	MODIFICATION IN POINT OF
)	APPROPRIATION AND A
)	MODIFICATION 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

CITY OF INDEPENDENCE
PO BOX 7
INDEPENDENCE, OR 97351

Findings of Fact

1. On November 15, 2018, CITY OF INDEPENDENCE filed a groundwater registration modification application for additional points of appropriation, a modification in point of appropriation and a modification in place of use under Registration Application GR-3185 (Certificate of Registration GR-3143). The Department assigned the application number T-13062.
2. On August 28, 1991, Registration Application GR-3185 (Certificate of Registration GR-3143) was assigned from Pacific Power and Light Company to the City of Independence.

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.

3. Notice of the application for groundwater registration modification was published on November 20, 2018, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On February 20, 2020 the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13060 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 23, 2020, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
5. On June 23, 2020, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13062 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 June 30, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The groundwater registration to be modified is as follows:

Registration: Application G-3185 (Certificate of Registration GR-3143), in the name of PACIFIC POWER AND LIGHT COMPANY (assigned to the City of Independence)

Use: MUNICIPAL SUPPLY FOR THE CITY OF INDEPENDENCE, OREGON

Tentative

Priority Date: MARCH 25, 1953

Quantity: 400 GALLONS PER MINUTE

Source: WELL 3 within the SOUTH FORK ASH CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	NE SW	WELL 3 - SOUTHWEST CORNER WELL PROPERTY SOUTH 12 DEGREES 30 MINUTES WEST 804.00 FEET FROM THE INTERSECTION OF THE SOUTH LINE OF "I" STREET AND THE EAST LINE OF SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, BLOCK 19, HILL'S ADDITION TO HILL'S INDEPENDENCE

Original Place of Use:

MUNICIPAL SUPPLY FOR THE CITY OF INDEPENDENCE				
Twp	Rng	Mer	Sec	Q-Q
8 S	4 W	WM	21	NE SW
8 S	4 W	WM	21	SE SW
8 S	4 W	WM	28	NE NW
8 S	4 W	WM	28	SW NW
8 S	4 W	WM	28	NW NW
8 S	4 W	WM	28	SE NW
8 S	4 W	WM	29	NE NE
8 S	4 W	WM	29	SE NE

7. Groundwater Registration Modification Application T-13062 proposes to move the authorized point of appropriation approximately 275 feet from the original point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	NE SW	SOUTH WELL 3 - 760 FEET SOUTH AND 660 FEET WEST FROM THE C1/4 CORNER OF SECTION 28

8. Groundwater Registration Modification Application T-13062 also proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Original Well 1 in feet (ft.)
8 S	4 W	WM	28	NE SW	SOUTH WELL 1 - 1140 FEET SOUTH AND 600 FEET WEST FROM THE C1/4 CORNER OF SECTION 28	115 ft.
8 S	4 W	WM	28	NE SW	SOUTH WELL 2 - 1000 FEET SOUTH AND 740 FEET WEST FROM THE C1/4 CORNER OF SECTION 28	145 ft.
8 S	4 W	WM	28	NE SW	SOUTH WELL 4 - 960 FEET SOUTH AND 620 FEET WEST FROM THE C1/4 CORNER OF SECTION 28	75 ft.
8 S	4 W	WM	28	NE SW	SOUTH WELL 5 - 820 FEET SOUTH AND 620 FEET WEST FROM THE C1/4 CORNER OF SECTION 28	210 ft.

9. Groundwater Registration Modification Application T-13062 also proposes to modify the place of use under the ground water registration to:

MUNICIPAL SUPPLY FOR THE CITY OF INDEPENDENCE
CITY OF INDEPENDENCE SERVICE AREA

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

10. The proposed modifications would not result in enlargement of the groundwater registration.
11. 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.
12. The proposed modifications would not result in injury to other water rights.

Conclusions of Law

The additional points of appropriation, a modification in point of appropriation and a modification in place of use in Groundwater Registration Modification T-13062 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-3185 (Certificate of Registration GR-3143) proposed in Groundwater Registration Modification Application T-13062 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-3185 (Certificate of Registration GR-3143) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation (Well 3).
4. The quantity of water diverted at the new point of appropriation (South Well 3) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 3).
5. The quantity of water diverted at the new additional points of appropriation (South Well 1, South Well 2, South Well 4, and South Well 5), together with that diverted at the new point of appropriation (South Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 3).

Dated in Salem, Oregon on

AUG 06 2020


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

Mailing date: AUG 07 2020