

**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-10885, Wasco County)	IN CHARACTER OF USE, PLACE OF
)	USE, AND POINT OF
)	APPROPRIATION

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

CHENOWITH WATER PEOPLE'S UTILITY DISTRICT
ROGER PROWELL, MANAGER
P.O. BOX 870
THE DALLES, OR 97058

Findings of Fact

Background

1. On May 21, 2009, CHENOWITH WATER PEOPLES UTILITY DISTRICT filed a ground water registration modification application to modify the character of use, place of use, and point of appropriation under Registration Application GR-1646 (Certificate of Registration GR-4111). The Department assigned the application number T-10885.
2. The applicant, Chenowith Water People's Utility District initially began delivering water in The Dalles in 1945 as Chenowith Irrigation Cooperative, Inc., and the Groundwater Registration Statement was issued in that name as such. Despite this small name change, Chenowith Water People's Utility District is the same entity as originally filed on and no assignment is needed to satisfy OAR 690-382-0300.

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. The ground water registration to be modified is as follows:

Registration: Application GR-1646 (Certificate of Registration GR-4111) in the name of CHENOWITH IRRIGATION COOPERATIVE, INC.
Use: GROUP DOMESTIC
Priority Date: JANUARY 1949
Rate: 300.0 GALLONS PER MINUTE (gpm)
Source: A WELL, within the COLUMBIA RIVER BASIN (Chenowith Water PUD recognizes this well as Well 2)

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	13 E	WM	32	NE SE	WELL 2 - 375 FEET SOUTH AND 350 FEET WEST FROM THE ¼ CORNER BETWEEN SECTIONS 32 AND 33

Original Place of Use:

GROUP DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
1 N	13 E	WM	4	NE NW
1 N	13 E	WM	4	NW NW
1 N	13 E	WM	4	SE NW
1 N	13 E	WM	5	NE NE
2 N	13 E	WM	28	SW SW
2 N	13 E	WM	29	NE SW
2 N	13 E	WM	29	NW SW
2 N	13 E	WM	29	SW SW
2 N	13 E	WM	29	SE SW
2 N	13 E	WM	29	NE SE
2 N	13 E	WM	29	NW SE
2 N	13 E	WM	29	SW SE
2 N	13 E	WM	29	SE SE
2 N	13 E	WM	32	NE NE
2 N	13 E	WM	32	NW NE
2 N	13 E	WM	32	SW NE
2 N	13 E	WM	32	SE NE
2 N	13 E	WM	32	NE NW
2 N	13 E	WM	32	SE NW
2 N	13 E	WM	32	NE SE
2 N	13 E	WM	32	NW SE
2 N	13 E	WM	32	SW SE
2 N	13 E	WM	32	SE SE
2 N	13 E	WM	33	NW NW
2 N	13 E	WM	33	SW NW
2 N	13 E	WM	33	SE NW
2 N	13 E	WM	33	NE SW
2 N	13 E	WM	33	NW SW
2 N	13 E	WM	33	SW SW
2 N	13 E	WM	33	SE SW

4. The Department received information that better describes the location of the original point of appropriation (Well 2) in reference to a locally established survey monument for Application GR-1646 (Certificate of Registration GR-4111) and is described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 N	13 E	WM	32	NE NE	41	WELL 2 - 300 FEET SOUTH AND 400 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 32

5. The Department also received information that better describes the location of the original place of use in reference to the Government Lots and Donation Land Claims for Application GR-1646 (Certificate of Registration GR-4111) and is described as follows:

GROUP DOMESTIC						
Twp	Rng	Mer	Sec	Q - Q	GLot	DLC
1 N	13 E	WM	4	NE NW	1	
1 N	13 E	WM	4	NE NW		40
1 N	13 E	WM	4	NW NW		40
1 N	13 E	WM	4	SE NW	2	
1 N	13 E	WM	4	SE NW		40
1 N	13 E	WM	5	NE NE		40
2 N	13 E	WM	28	SW SW		39
2 N	13 E	WM	28	SW SW		41
2 N	13 E	WM	29	NE SW		39
2 N	13 E	WM	29	NW SW	12	
2 N	13 E	WM	29	NW SW		39
2 N	13 E	WM	29	SW SW	11	
2 N	13 E	WM	29	SW SW		39
2 N	13 E	WM	29	SE SW	10	
2 N	13 E	WM	29	SE SW		39
2 N	13 E	WM	29	SE SW		41
2 N	13 E	WM	29	NE SE		39
2 N	13 E	WM	29	NW SE		39
2 N	13 E	WM	29	SW SE	9	
2 N	13 E	WM	29	SW SE		39
2 N	13 E	WM	29	SW SE		41
2 N	13 E	WM	29	SE SE		39
2 N	13 E	WM	29	SE SE		41
2 N	13 E	WM	32	NE NE		41
2 N	13 E	WM	32	NW NE		41
2 N	13 E	WM	32	SW NE	4	
2 N	13 E	WM	32	SW NE		41
2 N	13 E	WM	32	SW NE		43
2 N	13 E	WM	32	SE NE	4	
2 N	13 E	WM	32	SE NE	5	
2 N	13 E	WM	32	SE NE		41
2 N	13 E	WM	32	SE NE		43
2 N	13 E	WM	32	NE NW		41
2 N	13 E	WM	32	SE NW	3	
2 N	13 E	WM	32	SE NW		41
2 N	13 E	WM	32	NE SE		43
2 N	13 E	WM	32	NW SE	6	
2 N	13 E	WM	32	NW SE		43
2 N	13 E	WM	32	SW SE		43

GROUP DOMESTIC						
Twp	Rng	Mer	Sec	Q - Q	GLot	DLC
2 N	13 E	WM	32	SE SE		43
2 N	13 E	WM	33	NW NW		41
2 N	13 E	WM	33	SW NW	7	
2 N	13 E	WM	33	SW NW		41
2 N	13 E	WM	33	SW NW		43
2 N	13 E	WM	33	SE NW	6	
2 N	13 E	WM	33	SE NW		41
2 N	13 E	WM	33	NE SW	8	
2 N	13 E	WM	33	NE SW		43
2 N	13 E	WM	33	NW SW	8	
2 N	13 E	WM	33	NW SW		43
2 N	13 E	WM	33	SW SW		43
2 N	13 E	WM	33	SE SW	10	
2 N	13 E	WM	33	SE SW		43

6. Ground Water Registration Modification Application T-10885 proposes to modify the character of use under the ground water registration to municipal use. The municipal use will continue to be allowed year round use.
7. Ground Water Registration Modification Application T-10885 proposes to modify the place of use under the ground water registration to:

MUNICIPAL						
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
1 N	13 E	WM	4	SW NW		40
1 N	13 E	WM	5	NE NE		40
1 N	13 E	WM	5	NW NE		40
1 N	13 E	WM	5	SW NE		40
1 N	13 E	WM	5	SE NE		40
1 N	13 E	WM	5	NE SE		40
2 N	13 E	WM	28	NW NW		
2 N	13 E	WM	28	SW SW		41
2 N	13 E	WM	29	NE NE	1	
2 N	13 E	WM	29	NE NE		37
2 N	13 E	WM	29	NW NE	2	
2 N	13 E	WM	29	NW NE		37
2 N	13 E	WM	29	SW NE		37
2 N	13 E	WM	29	SW NE		39
2 N	13 E	WM	29	SE NE	7	
2 N	13 E	WM	29	SE NE		37
2 N	13 E	WM	29	SE NE		39
2 N	13 E	WM	29	NE NW		37
2 N	13 E	WM	29	SW NW	4	
2 N	13 E	WM	29	SW NW		37
2 N	13 E	WM	29	SW NW		39
2 N	13 E	WM	29	SE NW		37
2 N	13 E	WM	29	SE NW		39
2 N	13 E	WM	29	NE SW		39
2 N	13 E	WM	29	NW SW	12	

MUNICIPAL						
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
2 N	13 E	WM	29	NW SW		39
2 N	13 E	WM	29	SW SW	11	
2 N	13 E	WM	29	SW SW		39
2 N	13 E	WM	29	SE SW	10	
2 N	13 E	WM	29	SE SW		39
2 N	13 E	WM	29	SE SW		41
2 N	13 E	WM	29	NE SE		39
2 N	13 E	WM	29	NW SE		39
2 N	13 E	WM	29	SW SE	9	
2 N	13 E	WM	29	SW SE		39
2 N	13 E	WM	29	SW SE		41
2 N	13 E	WM	29	SE SE		39
2 N	13 E	WM	29	SE SE		41
2 N	13 E	WM	32	NE NE		41
2 N	13 E	WM	32	NW NE		41
2 N	13 E	WM	32	SW NE	4	
2 N	13 E	WM	32	SW NE		41
2 N	13 E	WM	32	SW NE		43
2 N	13 E	WM	32	SE NE	4	
2 N	13 E	WM	32	SE NE	5	
2 N	13 E	WM	32	SE NE		41
2 N	13 E	WM	32	SE NE		43
2 N	13 E	WM	32	NE NW		41
2 N	13 E	WM	32	NW NW	1	
2 N	13 E	WM	32	SW NW	2	
2 N	13 E	WM	32	SE NW	3	
2 N	13 E	WM	32	SE NW		41
2 N	13 E	WM	32	NE SW	6	
2 N	13 E	WM	32	NE SW		43
2 N	13 E	WM	32	NW SW		
2 N	13 E	WM	32	SE SW		43
2 N	13 E	WM	32	NE SE		43
2 N	13 E	WM	32	NW SE	6	
2 N	13 E	WM	32	NW SE		43
2 N	13 E	WM	32	SW SE		43
2 N	13 E	WM	32	SE SE		43
2 N	13 E	WM	33	NW NW		41
2 N	13 E	WM	33	SW NW	7	
2 N	13 E	WM	33	SW NW		41
2 N	13 E	WM	33	SW NW		43
2 N	13 E	WM	33	SE NW	6	
2 N	13 E	WM	33	NE SW	8	
2 N	13 E	WM	33	NW SW	8	
2 N	13 E	WM	33	NW SW		43
2 N	13 E	WM	33	SW SW		43

8. Ground Water Registration Modification Application T-10884 also proposes to modify the location of the original point of appropriation to four new points of appropriation (wells). The proposed wells are located approximately 0.5 mile North (Well 3), Wells 4 & 6 approximately 100 feet West (Wells 4 and 6), and approximately 1 mile South (Well 5) all from the original point of appropriation. The four wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 N	13 E	WM	32	NE NE	41	WELL 3 (WASC 3314) - 2350 FEET NORTH AND 920 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 32
2 N	13 E	WM	32	NE SE	43	WELL 4 (WASC 50457) - 400 FEET SOUTH AND 415 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 32
1 N	13 E	WM	5	SE NE	43	WELL 5 (WASC 2452) - 2450 FEET SOUTH AND 750 FEET WEST FROM THE NE CORNER OF SECTION 5
2 N	13 E	WM	32	NE SE	32	WELL 6 (WASC 51647) - 315 FEET SOUTH AND 430 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 32

9. Notice of the application for Ground Water Registration Modification was published on June 16, 2009 pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
10. On September 5, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-10885 to the applicant. The draft Preliminary Determination set forth a deadline of October 4, 2009, 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 modification.
11. On April 22, 2010, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-10885 and mailed 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 April 27, 2010, and in The Dalles Chronicle newspaper on April 30, May 7 and 14, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
12. The Department has determined that the proposed points of appropriation Well 3 (WASC 3314), Well 4 (WASC 50457), Well 5 (WASC 2452) and Well 6 (WASC 51647) all will develop the same source of water as the authorized existing Well 2 (WASC 3323).

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

13. The proposed modifications would not result in enlargement of the ground water registration.

14. 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.
15. The proposed modifications would not result in injury to other water rights.

Conclusion of Law

The modifications in character of use, place of use, and point of appropriation proposed in Ground Water Registration Modification T-10884 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-1646 (Certificate of Registration GR-4111) proposed in Ground Water Registration Modification Application T-10885 are recognized. Recognition of the modifications 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-1646 (Certificate of Registration GR-4111) and any related decree.
3. Water from the new proposed wells shall be acquired from the same aquifer (water source) as the original point of appropriation Well 2 (WASC 3323).
4. Water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.
5. 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.
6. Water shall no longer be appropriated for the former character of use as part of this ground water certificate of registration.

7. Prior to diverting water at the new points of appropriation, the water user shall install and maintain in-line flow meters or other suitable devices for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 15 day of June 2010.


Phillip C. Ward, Director

Mailing Date: JUN 16 2010