

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

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification)	RECOGNITION OF A MODIFICATION
T-11724, Marion County)	IN 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

CITY OF KEIZER
PO BOX 21000
KEIZER, OR 97307-1000

Findings of Fact

1. On January 21, 2014, the CITY OF KEIZER filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-3065 (Certificate of Registration GR-2868). The Department assigned the application number T-11724.
2. On February 14, 2014, Registration Application GR-3065 (Certificate of Registration GR-2868) was assigned from THE KEIZER WATER DISTRICT to the CITY OF KEIZER.
3. Notice of the application for ground water registration modification was published on January 28, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On June 11, 2014, the Department contacted 4B Engineering and Consulting, LLC, by written correspondence to notify the applicant's agent of the deficiencies in the application. Mainly, the incorrect well was identified on the application as the authorized point of appropriation and the location of the proposed well didn't agree on all places on the application. The Department requested that the deficiencies be resolved by July 11, 2014.

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.

On June 19, 2014, the applicant's agent submitted revised application pages, correcting the deficiencies.

5. On June 26, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11724 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 28, 2014, 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 Groundwater Registration Modification.
6. On July 23, 2013, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11724 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 July 29, 2014, and in The Keizer Times newspaper on August 1 and 8, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The ground water registration to be modified is as follows:

Registration: Application GR-3065 (Certificate of Registration GR-2868) in the name of KEIZER WATER DISTRICT (assigned to CITY OF KEIZER)

Use: MUNICIPAL

Tentative Priority Date: 1943

Quantity: 700 GALLONS PER MINUTE

Source: SHORELINE WELL NO. 1 within the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	3 W	WM	3	SW SE	SHORELINE WELL NO. 1

Original Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
6 S	3 W	WM	34	SE SW
6 S	3 W	WM	34	NE SE
6 S	3 W	WM	34	NW SE
6 S	3 W	WM	34	SW SE
6 S	3 W	WM	34	SE SE
6 S	3 W	WM	35	NE SW
6 S	3 W	WM	35	NW SW
6 S	3 W	WM	35	SW SW
6 S	3 W	WM	35	SE SW
6 S	3 W	WM	35	SW SE
7 S	3 W	WM	1	NW NW
7 S	3 W	WM	1	SW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	1	NW SW
7 S	3 W	WM	1	SW SW
7 S	3 W	WM	2	NE NE
7 S	3 W	WM	2	NW NE
7 S	3 W	WM	2	SW NE
7 S	3 W	WM	2	SE NE
7 S	3 W	WM	2	NE NW
7 S	3 W	WM	2	NW NW
7 S	3 W	WM	2	SW NW
7 S	3 W	WM	2	SE NW
7 S	3 W	WM	2	NE SW
7 S	3 W	WM	2	NW SW
7 S	3 W	WM	2	SW SW
7 S	3 W	WM	2	SE SW
7 S	3 W	WM	2	NE SE
7 S	3 W	WM	2	NW SE
7 S	3 W	WM	2	SW SE
7 S	3 W	WM	2	SE SE
7 S	3 W	WM	3	NE NE
7 S	3 W	WM	3	NW NE
7 S	3 W	WM	3	SW NE
7 S	3 W	WM	3	SE NE
7 S	3 W	WM	3	NE NW
7 S	3 W	WM	3	NE SE
7 S	3 W	WM	3	NW SE
7 S	3 W	WM	3	SW SE
7 S	3 W	WM	3	SE SE
7 S	3 W	WM	10	NE NE
7 S	3 W	WM	10	NW NE
7 S	3 W	WM	10	SW NE
7 S	3 W	WM	10	SE NE
7 S	3 W	WM	10	NW SE
7 S	3 W	WM	10	SW SE
7 S	3 W	WM	10	SE SE
7 S	3 W	WM	11	NE NE
7 S	3 W	WM	11	NW NE
7 S	3 W	WM	11	SW NE
7 S	3 W	WM	11	SE NE
7 S	3 W	WM	11	NE NW
7 S	3 W	WM	11	NW NW
7 S	3 W	WM	11	SW NW
7 S	3 W	WM	11	SE NW
7 S	3 W	WM	11	NE SW
7 S	3 W	WM	11	NW SW
7 S	3 W	WM	11	SW SW
7 S	3 W	WM	11	SE SW
7 S	3 W	WM	11	NE SE
7 S	3 W	WM	11	NW SE
7 S	3 W	WM	11	SW SE
7 S	3 W	WM	11	SE SE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	12	NW NW
7 S	3 W	WM	12	SW NW
7 S	3 W	WM	14	NE NE
7 S	3 W	WM	14	NW NE
7 S	3 W	WM	14	NE NW
7 S	3 W	WM	14	NW NW
7 S	3 W	WM	15	NE NE

8. Ground Water Application GR-3065 (Certificate of Registration GR-2868) does not describe the measured distances of the point of appropriation, however information is available from the applicant's agent more accurately describing the point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	3 W	WM	3	SW SE	SHORELINE WELL NO. 1: 1040 FEET NORTH AND 1770 FEET WEST OF THE SE CORNER OF SECTION 3

9. Ground Water Registration Modification Application T-11724 proposes to modify the location of the original point of appropriation approximately 1.1 miles from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	32	SW SW	LACEY CT WELL: 1062 FEET NORTH AND 1039 FEET EAST OF THE SW CORNER OF SECTION 34

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

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

Conclusion of Law

The modification in point of appropriation proposed in Ground Water Registration Modification T-11724 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

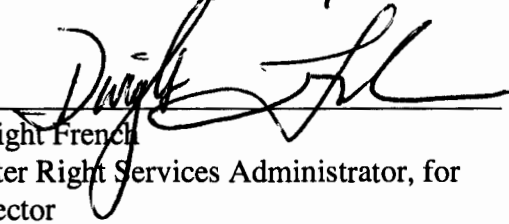
Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-3065 (Certificate of Registration GR-2868) proposed in Ground Water Registration Modification Application T-11724 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-3065 (Certificate of Registration GR-2868) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
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 point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. 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 at each new point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated at Salem, Oregon this 9 day of September, 2014.


Dwight French
Water Right Services Administrator, for
Director

Oregon Water Resources Department

Mailing Date: SEP 12 2014