

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

In the Matter of Groundwater	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING APPROVAL OF
T-13368, Marion County	)	RECOGNITION OF A MODIFICATION
	)	IN POINT OF APPROPRIATION AND
	)	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**

NORTHSTAR COMMUNITIES, LLC  
KARL IVANOV, MEMBER  
9550 SE CLACKAMAS ROAD  
CLACKAMAS, OR 97015

**Findings of Fact**

1. On February 3, 2020, NORTHSTAR COMMUNITIES, LLC, KARL IVANOV, MEMBER filed a groundwater registration modification application to modify the point of appropriation and place of use under Registration Application GR-305 (Certificate of Registration GR-284). The Department assigned the application number T-13368.
2. On February 13, 2020, Registration Application GR-305 (Certificate of Registration GR-284) was assigned from VICTOR L. RAMEY AND LORENA C. RAMEY to NORTHSTAR COMMUNITIES, LLC.
3. Notice of the application for groundwater registration modification was published on March 10, 2020, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

4. On September 17, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13368 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 19, 2020, 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 transfer.
5. The portion of the groundwater registration to be modified is as follows:

**Registration:** Application GR-305 (Certificate of Registration GR-284), in the name of VICTOR L. RAMEY AND LORENA C. RAMEY (*assigned to* NORTHSTAR COMMUNITIES, LLC)

**Use:** IRRIGATION of 19.0 ACRES

**Tentative**

**Priority Date:** SEPTEMBER 1951

**Quantity:** 120.4 GALLONS PER MINUTE; 24.1 ACRE-FEET PER YEAR

**Source:** PUMP WELL

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	32	NE SW	PUMP WELL - SOUTH 89° 06' WEST 3752.81 FEET AND SOUTH 18 ° 35' EAST 699.80 FEET FROM THE NE CORNER OF W.B. STEPHENS DLC NO. 48

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	32	NE SW	11.0
6 S	2 W	WM	32	SE SW	8.0
Total					19.0

6. Groundwater Registration Modification Application T-13368 proposes to modify the location of the original point of appropriation approximately 0.2 mile from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	32	NW SE	48	WELL 1 - 660 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER OF DLC 48

7. Groundwater Registration Modification Application T-13368 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	32	NE SW	48	7.5
6 S	2 W	WM	32	SE SW	48	5.8
6 S	2 W	WM	32	NW SE	48	3.5
6 S	2 W	WM	32	SW SE	48	2.2
Total						19.0

---

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

8. The proposed modifications would not result in enlargement of the groundwater registration.
9. 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.
10. The proposed modifications would not result in injury to other water rights.

**Determination and Proposed Action**

The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13368 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved.

*If Groundwater Registration Modification T-13368 is approved, the final order will include the following:*

1. *The modifications to Registration Application GR-305 (Certificate of Registration GR-284) proposed in Groundwater Registration Modification Application T-13368 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-305 (Certificate of Registration GR-284) and any related decree.*
3. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
4. *The quantity of water diverted at the new point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well).*

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

Dated in Salem, Oregon on

DEC 31 2020

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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov)

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 31, 2020

NORTHSTAR COMMUNITIES, LLC  
KARL IVANOV, MEMBER  
9550 SE CLACKAMAS ROAD  
CLACKAMAS, OR 97015

SUBJECT: Water Right Transfer Application T-13368

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13368. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

---

Please do not hesitate to contact me, at [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) or (503) 986-0825, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: T-13368  
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)  
Steven P. Applegate, Agent for the applicant (*via e-mail*)

encs