

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

In the Matter of Groundwater)	PROPOSED FINAL ORDER PROPOSING
Registration Modification Application)	APPROVAL OF THE RECOGNITION OF
T-13360, Marion County)	ADDITIONAL POINTS OF
)	APPROPRIATION, A MODIFICATION IN
)	PLACE OF USE, PARTIAL
)	CANCELLATION OF A WATER RIGHT,
)	AND PARTIAL DIMINUTION OF A
		WATER RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

Applicant

OSPREY CORNER LLC
PO BOX 4967
KANSAS CITY, MO 64120

Findings of Fact

1. On February 4, 2020, Osprey Corner LLC filed a Groundwater Registration Modification (GR-Mod) application for additional points of appropriation and to modify the place of use under Registration Application GR-207 (Certificate of Registration GR-192). The Department assigned the application number T-13360.

<p>Under OAR 690-382-0900 and ORS 536.077(1), any person may file a protest of this Proposed Final Order within 45 days after publication of notice of this Proposed Final Order in the Department's weekly notice. Under OAR 690-382-0900 and ORS 536.077(2), if a protest is filed, any person who supports this Proposed Final Order may file a request for party status within 30 days after the deadline for filing a protest. Please refer to the end of this document for further information about filing protests and requests for party status.</p>

2. On April 15, 1992, Registration Application GR-207 (Certificate of Registration GR-192) was partially assigned from Leland W. Wells to Larry Wells. The well sites involved with this assignment were Well Site #3 and Well Site #4.
3. On October 8, 1992, Registration Application GR-207 (Certificate of Registration GR-192) was partially assigned from Leland W. Wells to John Wells. The well sites involved with this assignment were Well Site #1 and Well Site #2.
4. On February 5, 2020, Registration Application GR-207 (Certificate of Registration GR-192) was partially assigned from Larry Wells to Osprey Corner LLC.
5. Notice of the application for GR-Mod was published on February 11, 2020, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. During processing of Application T-13360, it was discovered that the portion of GR-207 involved in the place of use change is layered with another water right (Certificate 14428) and was not proposed to be moved concurrently with the groundwater registration [OAR 690-382-0200(1)]. Allowing the proposed place of use change for the portion of GR-207 that is layered with water right Certificate 14428 would un-layer the rights and result in enlargement as defined in OAR 690-382-0100(4).
7. On April 9, 2025, the applicant submitted an affidavit to voluntarily cancel a portion of the acres that are no longer being irrigated under Certificate 14428, and an affidavit to voluntarily diminish a portion of the layered water right (Certificate 14428); thereby resolving the issue of enlargement described in Finding of Fact #6.
8. On December 31, 2025, the Department mailed a copy of the Initial Review proposing to approve GR-Mod Application T-13360 to the applicant. The Initial Review cover letter set forth a deadline of January 31, 2026, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Proposed Final Order and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-207 (Certificate of Registration GR-192), in the name of LELAND W. WELLS (*partially assigned to Osprey Corner LLC*)

Use: IRRIGATION of 45.0 ACRES

Tentative

Priority Date: JULY 31, 1941 for Well #3 and July 17, 1955 for Well #4

Quantity: 300 GALLONS PER MINUTE for PUMP WELL #3 and 300 GALLONS PER MINUTE for PUMP WELL #4

Source: PUMP WELL #3 and PUMP WELL #4

Original Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	3 W	WM	14	NE SE	PUMP WELL #3 (MARI 16289) - 3100 FEET SOUTH AND 750 FEET WEST FROM THE NE CORNER OF SECTION 14
10 S	3 W	WM	14	SE NE	PUMP WELL #4 (MARI 16288) - 1900 FEET SOUTH AND 960 FEET WEST FROM THE NE CORNER OF SECTION 14

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	3 W	WM	14	SW NE	10.0
10 S	3 W	WM	14	SE NE	15.0
10 S	3 W	WM	14	NE SE	15.0
10 S	3 W	WM	14	NW SE	5.0
Total					45.0

10. Registration Application GR-207 (Certificate of Registration GR-192) was originally filed with the Department on July 18, 1956, and describes the claimed place of use as a total of 90 acres that is broken into four sites. Site 1 describes 20 acres in the NW ¼ NW ¼, and Site 2 describes 20 acres in the SW ¼ NW ¼ and 5 acres in the NW ¼ SW ¼ of Section 13, Township 10S, Range 3W, Willamette Meridian (WM), Marion County. Sites 3 and 4 describe 10 acres in the SW ¼ NE ¼, 15 acres in the SE ¼ NE ¼, 15 acres in the NE ¼ SE ¼, and 5 acres in the NW ¼ SE ¼ of Section 14, Township 10S, Range 3W, WM, Marion County.
 - a. The transfer application depicts the place of use under GR-207 (Certificate of Registration GR-192) for Site 1 as being 15.94 acres in the NW ¼ NW ¼ of Section 13 and 4.06 acres in the NE ¼ NE ¼ of Section 14, Township 10S, Range 3W, WM. Site 2 is described as being 15.4 acres in the SW ¼ NW ¼ and 3.6 acres in the NW ¼ SW ¼ of Section 13 and 4.6 acres in the SE ¼ NE ¼ and 1.4 acres in the NE ¼ SE ¼ of Section 14, Township 10 S, Range 3W, WM. Sites 3 and 4 are involved in a place of use change for T-13360 as described in Finding of Fact #11.
 - b. GR-207 was originally mapped to the edge of Weddle Road. The claimant inaccurately portrayed the road as the line between Sections 13 and 14. As a result, Sites 1 and 2 of the place of use are actually split across Sections 13 and 14 with the westernmost edge lining up to Weddle Road rather than the westernmost edge aligning with the PLSS survey line of Sections 13 and 14.
 - c. The Department lacks consent from the landowner for GR-207 Sites #1 and #2 to finalize the redescription of the place of use as requested in the GR-Mod application T-13360. The materials pertinent to redescrbing the place of use for Sites #1 and #2 can be found in the Department file of record for T-13360 and can take place at a later date when either the courts adjudicate Groundwater

Registrations or if the landowner for those sites provides consent and submits the request and appropriate application to the Department.

11. Groundwater Registration Modification Application T-13360 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation:
10 S	3 W	WM	14	NE NE	NORTH WELL (MARI 16285) - 1190 FEET SOUTH AND 800 FEET WEST FROM THE NE CORNER OF SECTION 14	Well #3 - 0.36 mile NW
						Well #4 - 0.13 mile NE
10 S	3 W	WM	14	SE NE	SOUTH WELL (MARI 65448) - 2560 FEET SOUTH AND 1210 FEET WEST FROM THE NE CORNER OF SECTION 14	Well #3 - 0.16 mile NW
						Well #4 - 0.14 mile SW

12. Groundwater Registration Modification Application T-13360 proposes to modify the place of use under the ground water registration to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	POA
10 S	3 W	WM	14	SW NE	300	5.3	WELL #3, WELL #4, NORTH WELL, AND SOUTH WELL
10 S	3 W	WM	14	SW NE	200	3.4	
10 S	3 W	WM	14	SE NE	300	16.2	
10 S	3 W	WM	14	SE NE	200	5.6	
10 S	3 W	WM	14	NE SE	300	11.5	
10 S	3 W	WM	14	NW SE	300	2.6	
10 S	3 W	WM	14	NW NE	200	0.4	
Total						45.0	

Review Criteria for Groundwater Registration Modification Applications

[OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1) and 690-380-2110(2)]

13. The proposed modifications 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.
14. The layered water right are subject to transfer as defined in ORS 540.505(4) and OAR 690-382-0100(10).
15. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).

- 16. The proposed modifications, as conditioned, would not result in enlargement of the registration.
- 17. The proposed modifications, as conditioned, would not result in injury to other water rights.
- 18. All other application requirements are met.

Partial Cancellation of a Water Right

19. On April 9, 2025, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of a portion of the right was received from Osprey Corner LLC. The portion of the right to be cancelled is as follows:

Certificate: 14428 in the name of JOHN CALAHAN (perfected under Permit S-13123)

Use: IRRIGATION OF 5.7 ACRES

Priority Date: JULY 19, 1938

Rate: 0.08 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 0.014 of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion at the stream of not to exceed one acre foot per acre for each acre irrigated during any 30-day period and shall be still further limited to a diversion at the stream of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: SANTIAM RIVER and AN UNNAMED CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	13	SW NW	62
10 S	3 W	WM	14	SW NE	62
10 S	3 W	WM	14	NW SE	62

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	3 W	WM	14	SW NE	62	0.4
10 S	3 W	WM	14	SE NE	62	2.8
10 S	3 W	WM	14	NE SE	62	1.8
10 S	3 W	WM	14	NW SE	62	0.7
Total Acres to be Cancelled						5.7

Partial Diminution of a Water Right

20. On April 9, 2025, the Department received an affidavit to voluntarily diminish a portion of the layered water right (Certificate 14428) from Osprey Corner LLC.

The portion of the right to be diminished to supplemental irrigation is as follows:

Certificate: 14428 in the name of JOHN CALAHAN (perfected under Permit S-13123)

Use: SUPPLEMENTAL IRRIGATION OF 30.2 ACRES

Priority Date: JULY 19, 1938

Rate: 0.42 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 0.014 of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion at the stream of not to exceed one acre foot per acre for each acre irrigated during any 30-day period and shall be still further limited to a diversion at the stream of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: SANTIAM RIVER and AN UNNAMED CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	3 W	WM	13	SW NW	62
10 S	3 W	WM	14	SW NE	62
10 S	3 W	WM	14	NW SW	62

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	3 W	WM	14	SW NE	2.7
10 S	3 W	WM	14	SE NE	24.7
10 S	3 W	WM	14	NE SE	2.5
10 S	3 W	WM	14	NW SE	0.3
Total Acres to be Diminished					30.2

Determination and Proposed Action

The additional points of appropriation and modification in place of use proposed in GR-Mod Application T-13360 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. The portion of the abandoned right should be cancelled, and the portion of the right to be voluntarily diminished to supplemental irrigation should be diminished. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved, the portion of the abandoned right will be cancelled, and the portion of the right under the voluntary diminution will be diminished to supplemental irrigation.

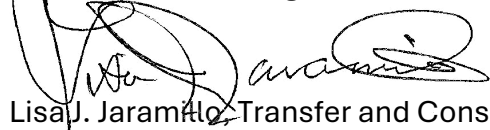
If GR-Mod T-13360 is approved, the final order will include the following:

- 1. The modifications to Registration Application GR-207 (Certificate of Registration GR-192) proposed in GR-Mod Application T-13360 are recognized. The portion of Certificate 14428 that has been abandoned is cancelled; another portion of the right is diminished to supplemental irrigation. 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-207 (Certificate of Registration GR-192) and any related decree.*
- 3. Approval of this GR-Mod application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation and the new place of use.*
- 4. Water right Certificate 14428 is cancelled. A new certificate will be issued describing that portion of the right not affected by this modification and cancellation and that portion of the right diminished to supplemental irrigation.*
- 5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
- 6. The combined quantity of water diverted at the proposed additional points of appropriation, (NORTH WELL (MARI 16285) and SOUTH WELL (MARI 65448)) together with that diverted at the original points of appropriation (PUMP WELL #3 and PUMP WELL #4), shall not exceed the quantity of water lawfully available at the original points of appropriation (PUMP WELL #3 and PUMP WELL #4).*
- 7. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.*

8. *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 6/8/2026



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

This Proposed Final Order was prepared by Elyse Hennen. If you have questions about the information in this document, you may reach me at 971-701-5485 or at elyse.d.hennen@water.oregon.gov.

Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by July 24, 2026, and the Department does not withdraw this Proposed Final Order on or before August 26, 2026, this Proposed Final Order is a final order without any further action by the Department on August 26, 2026.

Protests and Requests for Party Status

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

Protests: Under the provisions of OAR 690-382-0900 and ORS 536.077(1), any person may protest this Proposed Final Order. Protests may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline. Protests may be emailed to will.d.davidson@water.oregon.gov, but payment of Protest fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the

deadline. Protests and protest fees must be received by the Water Resources Department no later than **July 24, 2026**.

Protests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, telephone number, and email address, if the protestant has an email address;
- Include the name, address, telephone number, and email address of the protestant's attorney, if the protestant is represented by an attorney;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonably available arguments that support the protestant's position;
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

Requests for Party Status: Under the provisions of OAR 690-382-0900 and ORS 536.077(2), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. There is no need for the applicant to file a request for party status. The applicant will automatically be a party to any contested case proceeding on this Proposed Final Order. Requests for party status may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline. Requests for party status may be emailed to will.d.davidson@water.oregon.gov, but payment of request

for party status fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Requests for party status and request for party status fees must be received by the Water Resources Department no later than **August 24, 2026**.

Requests for party status must be in writing and include the following:

- Names, addresses, and email addresses (if any) of the requestor and any organization the requestor represents;
- Name, address, and email address of the requestor's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requestor seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requestor's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requestor seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requestor's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requestor seeks to represent; and
- The request for party status fee of \$1,425 required by ORS 536.077(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 690-002-0225.

Additional Notices

Notice of requirement to provide updated contact information: Parties must timely provide the Department with updated contact information, including any change of address or primary means of electronic communication. The contact information provided in the protest or request for party status, as applicable, is presumed to be valid for the purposes of service and notification of upcoming referral to the Office of Administrative Hearings unless timely updated by the party. OAR 609-002-0081.

Notice of the circumstances under which this Proposed Final Order will become a final order: If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33

days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 690-002-0235; OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

Notice of right to be represented by an attorney: You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice to active duty servicemembers: Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

June 8, 2026

OSPREY CORNER LLC
PO BOX 4967
KANSAS CITY, MO 64120

VIA CERTIFIED MAIL AND E-MAIL

SUBJECT: Groundwater Registration Modification T-13360

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to approve application T-13360. This document is an intermediate step in the approval process; water may not be used legally as proposed in the groundwater registration modification 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 and in the Woodburn Independent newspaper, simultaneously with issuance of the Proposed Final Order. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Proposed Final Order or a request for party status supporting the Department's decision. The protest period will end 45 days after the Department's notice.

If no protest is filed, the Proposed Final Order will become a Final Order 33 days after the protest period ends, without any further action by the Department.

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 Proposed Final Order to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 971-701-5485 or Elyse.D.Hennen@water.oregon.gov if I may be of assistance.

Sincerely,

Elyse Hennen
Transfer Specialist
Transfers and Conservation Section

cc: GR Modification application file T-13360
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)
Will McGill Surveying LLC, Agent for the applicant (*via e-mail*)

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