

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

In the Matter of Groundwater	)	PROPOSED FINAL ORDER PROPOSING
Registration Modification Application	)	APPROVAL OF RECOGNITION OF
T-13948, Benton County	)	MODIFICATIONS IN POINT OF
	)	APPROPRIATION, PLACE OF USE,
	)	CHARACTER OF USE, AND THE
	)	PARTIAL CANCELLATION 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

WK AND K LAND LLC
C/O TINA GALLOWAY
3122 SE STAHLBUSH ISLAND RD
CORVALLIS, OR 97333

Findings of Fact

1. On March 23, 2022, WK and K Land LLC, c/o Tina Galloway filed a Groundwater Registration Modification (GR-Mod) application to modify the point of appropriation, place of use, and character of use under Registration Application GR-2727 (Certificate of Registration GR-2580). The Department assigned the application number T-13948.

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.

2. On April 20, 1971, the Department approved a partial cancellation of Groundwater Registration GR-2727 (Certificate of Registration GR-2580), as recorded at Special Order Volume 21, Page 20. This Order cancelled 2.0 acres located in the NWNE of Section 13, T12S, R5W, WM, and the corresponding 17 gallons per minute (GPM) associated with those acres, adjusting the total number of acres under GR-2727 from 95.0 acres to 93.0 acres and the rate from 800 GPM to 783 GPM.
3. On December 10, 2009, the Department approved an assignment by proof of the Registration Application GR-2727 (Certificate of Registration GR-2580) from Julius E. and Phyllis C. Purvine to WK AND K Land L.P.
4. Notice of the application for Groundwater Registration Modification (GR-Mod) was published on April 5, 2022, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. During the review process, the Department identified Groundwater Registration GR-2727 (Certificate of Registration GR-2580) as layered with a portion of Water Right Certificate 98315 and Water Right Permit S-55412 (Application S-89228). Consistent with OAR 690-382-0200, a change in place of use or character of use of a certificate of registration that is layered with another water use subject to transfer (Certificate 98315), permit (Permit S-55412), or certificate of registration shall only be approved if concurrent changes to the layered water use are approved or recognized. Layered means there is a situation in which there are multiple water uses subject to transfer, permits, and/or certificates of registration that are appurtenant to the same place of use and that have been issued for the purposes of irrigation (OAR 690-382-00300(4)).

The following acres identified in the place of use proposed to be modified under Groundwater Registration GR-2727 are layered with Certificate 98315:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	12	NE SW	6.0
12 S	5 W	WM	12	SE SW	20.0
12 S	5 W	WM	12	NW SE	10.4
12 S	5 W	WM	12	SW SE	40.0
12 S	5 W	WM	12	SE SE	4.0
Total					80.4

The following acres identified in the place of use proposed to be modified under Groundwater Registration GR-2727 are layered with Permit S-55412:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	12	NE SW	6.0
12 S	5 W	WM	12	SE SW	20.0
12 S	5 W	WM	12	NW SE	10.4
12 S	5 W	WM	12	SW SE	40.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	12	SE SE	4.0
Total					80.4

6. On February 10, 2026, the Department mailed a copy of the Initial Review proposing to deny groundwater registration modification Application T-13948 to the applicant. The Initial Review cover letter set forth a deadline of March 12, 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.
7. On March 13, 2026, the applicant provided the information necessary to cancel the portion of Certificate 98315 layered with GR-2727.
8. On March 23, 2022, the applicant submitted a surface water right application. The Department assigned the application number S-89228. Simultaneously, an application for T-13948 was also submitted, with a letter requesting S-89228 and T-13948 be processed together to maintain irrigation coverage on acreage proposed to be moved in T-13948. The surface water application S-89228 was approved on January 27, 2023, as Water Right Permit S-55412. The applicant submitted the applications simultaneously with a request the two applications be worked together, so any layering issues initially identified for GR-2727 and Permit S-55412 are resolved.
9. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-2727 (Certificate of Registration GR-2580), in the name of JULIUS E. AND PHYLLIS C. PURVINE (*assigned to WK AND K LAND L.P.*)

Use: IRRIGATION of 80.4 ACRES

Tentative

Priority Date: 1947

Quantity: 676.9 GPM; 188.7 ACRE FEET PER YEAR

Source: PUMP WELL #3

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	5 W	WM	12	SW SE	PUMP WELL #3 (BENT 5180) - 1010.5' SOUTH 28° 26' WEST TO THE SOUTH 1/4 CORNER OF SECTION 12

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	12	NE SW	6.0
12 S	5 W	WM	12	SE SW	20.0
12 S	5 W	WM	12	NW SE	10.4

IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	12	SW SE	40.0
12 S	5 W	WM	12	SE SE	4.0
Total					80.4

10. Groundwater Registration Modification Application T-13948 proposes to modify the location of the original point of appropriation approximately 0.28 mile Southeast from the original well to:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	5 W	WM	12	SE SW	BENT 761 - 1400 FEET EAST FROM THE SW CORNER OF SECTION 12

11. GR-Mod Application T-13948 proposes to modify the place of use under the groundwater registration to:

INDUSTRIAL USE				
Twsp	Rng	Mer	Sec	Q-Q
12 S	5 W	WM	12	SE SW
12 S	5 W	WM	12	NE NW

12. GR-Mod Application T-13948 proposes to modify the character of use under the groundwater registration from Irrigation to Industrial Use.
13. To prevent enlargement, the period of use for the Industrial Uses shall be limited to the irrigation season March 1 through October 31.

***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)]***

14. 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.
15. The layered water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-382-0100(10).
16. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
17. The proposed modifications, as conditioned, would not result in enlargement of the right.
18. The proposed modifications, as conditioned, would not result in injury to other water rights.

19. All other application requirements are met.

Partial Cancellation of a Water Right

20. On March 13, 2026, 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 WK & K Land LLC. The portion of the right to be cancelled is as follows:

Certificate: 98315 in the name of WK and K Land LLC (perfected under Permit S-54951)

Use: SUPPLEMENTAL IRRIGATION OF 71.8 ACRES

Priority Date: JULY 31, 2014

Volume: 179.5 acre feet

Period of Use: MARCH 1 THROUGH OCTOBER 31

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMIT R-1625 AND R-5363, A TRIBUTARY OF WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	5 W	WM	13	SW NE	RAIL PUMP POD - 2050 FEET SOUTH AND 2268 FEET WEST FROM THE NE CORNER OF SECTION 13
12 S	5 W	WM	13	SE NE	BEACH PUMP POD - 2414 FEET SOUTH AND 1276 FEET WEST FROM THE NE CORNER OF SECTION 13

Authorized Place of Use to be Cancelled:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	12	NE SW	2.2
12 S	5 W	WM	12	SE SW	16.6
12 S	5 W	WM	12	NW SE	9.0
12 S	5 W	WM	12	SW SE	40.0
12 S	5 W	WM	12	SE SE	4.0
Total					71.8

Determination and Proposed Action

The modifications in point of appropriation, place of use, and character of use proposed in Groundwater Registration Modification T-13948 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000 and the abandoned right will be cancelled. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved and the abandoned right will be cancelled.

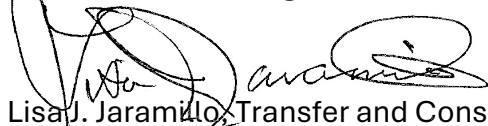
If Groundwater Registration Modification T-13948 is approved, the final order will include the following:

- 1. The modifications to Registration Application GR-2727 (Certificate of Registration GR-2580) proposed in GR-Mod Application T-13948 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 portion of certificate 98315 identified in finding of fact #20 as abandoned is cancelled, a new certificate shall be issued describing that portion of the right not affected by this partial cancellation.*
- 3. 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-2727 (Certificate of Registration GR-2580) and any related decree.*
- 4. 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 point of appropriation and the new place of use.*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. Water shall no longer be appropriated from the original point of appropriation as part of this groundwater certificate of registration.*
- 7. The quantity of water diverted at the proposed point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 8. Water shall no longer be appropriated for the former character of use as part of this groundwater certificate of registration.*
- 9. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.*
- 10. The period of use for the portion of the right changed to Industrial Uses is limited to the irrigation season of March 1 – October 31 to avoid enlargement of the right.*

11. *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 meter or measuring devices in good working order.*
- c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated in Salem, Oregon on 7/23/2026



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 September 11, 2026, and the Department does not withdraw this Proposed Final Order on or before October 14, 2026, this Proposed Final Order is a final order without any further action by the Department on October 14, 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 **September 11, 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 **October 12, 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 690-002-0081.

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 971-355-1427, 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

July 23, 2026

WK AND K LAND LLC
ATTN: TINA GALLOWAY
3122 SE STAHLBUSH ISLAND RD
CORVALLIS, OR 97333

VIA CERTIFIED MAIL AND E-MAIL

SUBJECT: Groundwater Registration Modification T-13948

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to approve application T-13948. 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 Albany Democrat-Herald 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-13948
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)

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