

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

In the Matter of Ground Water)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING TO APPROVE
T-10980, Marion County)	RECOGNITION OF A MODIFICATION
)	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

RICK AND RUTH METZGER
6500 STATE ST
SALEM, OR 97317

Agent

MYRON KUENZI
6500 STATE ST
SALEM, OR 97317

Findings of Fact

Background

1. On November 19, 2009, RICK AND RUTH METZGER filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-990 (Certificate of Registration GR-959). The Department assigned the application number T-10980.
2. On November 19, 2009, Registration Application GR-990 (Certificate of Registration GR-959) was assigned from HENRY L. BAHNSEN to RICK A. AND RUTH L. METZGER.

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

Registration: Application GR-990 (Certificate of Registration GR-959), in the name of HENRY L. BAHNSEN (*assigned to RICK A. AND RUTH L. METZGER*)

Use: IRRIGATION of 27 ACRES

Tentative

Priority Date: OCTOBER 1951

Quantity: 110 GALLONS PER MINUTE

Source: A WELL within the LITTLE PUDDING RIVER BASIN

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.
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Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	2 W	WM	27	SE SW	600 FEET NORTH AND 2300 FEET EAST FROM THE SW CORNER OF SECTION 27

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	2 W	WM	27	NE SW	9.0
7 S	2 W	WM	27	SE SW	18.0

4. Ground Water Registration Modification Application T-10980 proposes to modify the location of the original point of appropriation approximately 30 feet west to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	2 W	WM	27	SE SW	600 FEET NORTH AND 2270 FEET EAST FROM THE SW CORNER OF SECTION 27

5. Notice of the application for ground water registration modification was published on December 1, 2009, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On July 20, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10980 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of August 19, 2010, for the applicants to respond. The applicants 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.

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

7. The proposed modification would not result in enlargement of the ground water registration.
8. 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.
9. The proposed modification would not result in injury to other water rights.

Determination and Proposed Action

The modification in point of appropriation proposed in Ground Water Registration Modification T-10980 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 application will be recognized.

If Ground Water Registration Modification Application T-10980 is recognized, the final order will include the following:

- 1. The modification to Registration Application GR-990 (Certificate of Registration GR-959) proposed in Ground Water Registration Modification Application T-10980 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-990 (Certificate of Registration GR-959) 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 device, at each 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 29 day of July 2010.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Kara Morris. If you have questions about the information in this document, you may reach me at 503-986-0898 or Kara.B.Morris@wrdd.state.or.us.

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