

**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-11153, Marion County	)	RECOGNITION OF ADDITIONAL
	)	POINTS OF APPROPRIATION AND
	)	REDESCRIPTION OF CERTIFICATE
	)	OF REGISTRATION GR-759

**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.

**Applicants**

RAY A. AND ELEANOR A. WILL  
ROY E. AND GLORIA J. WILL  
13601 STAUFFER ROAD NE  
HUBBARD, OR 97032

**Agent**

GREG KUPILLAS  
PACIFIC HYDRO-GEOLOGY, INC.  
18487 S. VALLEY VISTA ROAD  
MULINO, OR 97042

**Findings of Fact**

**Background**

1. On November 8, 2010, RAY A. AND ELEANOR A. WILL and ROY E. AND GLORIA J. WILL filed a ground water registration modification application for additional points of appropriation under Registration Application GR-785 (Certificate of Registration GR-759). The Department assigned the application number T-11153.
2. On November 8, 2011, Registration Application GR-785 (Certificate of Registration GR-759) was assigned from Lester Will to Ray A. and Eleanor A. Will and Roy E. and Gloria J. Will.
3. On April 19, 2011, the applicants amended the application to clarify the place of use.
4. The portion of the ground water registration to be modified is as follows:  
**Registration:** Application GR-785 (Certificate of Registration GR-759), in the names of RAYMOND A. AND ELEANOR A. WILL and ROY E. AND GLORIA J. WILL  
**Use:** IRRIGATION OF 32.0 ACRES

**Tentative**

**Priority Date:** MARCH 31, 1953

**Quantity:** 250 GALLONS PER MINUTE

**Source:** A WELL within the PUDDING RIVER BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	26	SW NW	2250 FEET SOUTH AND 200 FEET EAST FROM THE NW CORNER OF SECTION 26

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	26	SW NW	17.0
4 S	1 W	WM	27	SE NE	15.0

5. On October 27, 1983, a final proof survey was performed for Permit G-8085 (Certificate 55411). A portion of Certificate 55411 was for supplemental irrigation of a portion of the lands appurtenant to Ground Water Registration GR-785 (Certificate of Registration GR-759). Certificate 55411 describes the authorized place of use for supplemental irrigation of 29.7 acres as: 13.4 acres in the SWNW of Section 26 and 16.3 acres in the SENE of Section 27, Township 4 South, Range 1 West, W.M., Marion County, Oregon.
  - a. The Registration Application GR-785 (Certificate of Registration GR-759) depicts the place of use as being 32.0 acres of irrigation being 17.0 acres in the SWNW of Section 26 and 15.0 acres in the SENE of Section 27, Township 4 South, Range 1 West, W.M.
  - b. Considering the Registration Application GR-785 (Certificate of Registration GR-759) map was not based on a survey, the Department finds the place of use for the primary right under Registration Application GR-785 (Certificate of Registration) is more accurately depicted in the final proof survey for Certificate 55411. Based on how the Public Land Survey subdivisions overlie the place of use, the following table lists the proposed re-description of Registration Application GR-785 (Certificate of Registration GR-759) based on the above findings:

GR-785	Original Description of Place of Use		Proposed Re-Description of Place of Use	
	Q-Q	Acres	Q-Q	Acres
Section 26	SWNW	17.0	SWNW	15.7
Section 27	SENE	15.0	SENE	16.3
Township 4 South, Range 1 West, W.M.				

6. Ground Water Registration Modification Application T-11153 proposes additional points of appropriation approximately 1100 feet to Well 1, 850 feet to Well 2, 1050 feet to Well 3, and 1500 feet to Well 4 from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	26	SW NW	63	WELL 1 - 40 FEET SOUTH AND 2020 FEET EAST FROM THE NW CORNER OF DLC 63
4 S	1 W	WM	26	SW NW	63	WELL 2 - 70 FEET SOUTH AND 1770 FEET EAST FROM THE NW CORNER OF DLC 63
4 S	1 W	WM	26	NW SW	63	WELL 3 - 550 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF DLC 63
4 S	1 W	WM	26	SE NW	63	WELL 4 - 50 FEET SOUTH AND 2420 FEET EAST FROM THE NW CORNER OF DLC 63

7. Ground Water Registration Modification Application T-11153 confirms the place of use as re-described in Finding of Fact No. 5b as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	26	SW NW	14.1
4 S	1 W	WM	27	SE NE	16.3

8. Notice of the application for ground water registration modification was published on November 16, 2010, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
9. On April 25, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Ground Water Registration Modification Application T-11153 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of May 26, 2011 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 applicants are authorized to pursue the Groundwater Registration Modification.

***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.

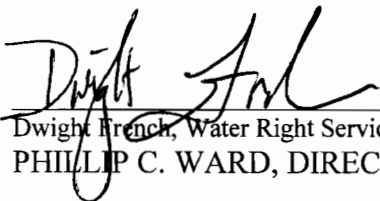
**Determination and Proposed Action**

The additional points of appropriation proposed in Ground Water Registration Modification T-11153 appear 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-11153 is recognized, the final order will include the following:*

- 1. The modification to Registration Application GR-785 (Certificate of Registration GR-759) proposed in Ground Water Registration Modification Application T-11153 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-785 (Certificate of Registration GR-759) 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 additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 5. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

Dated at Salem, Oregon this 4<sup>th</sup> day of May 2011.



Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or [Teri.K.Hranac@wrd.state.or.us](mailto:Teri.K.Hranac@wrd.state.or.us).

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