

**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-11242, Josephine 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

MARK AND BECKY VIDLAK
17097 WILLIAMS HWY
WILLIAMS, OR 97544

Findings of Fact

Background

1. On May 4, 2011, MARK AND BECKY VIDLAK filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-200 (Certificate of Registration GR-186). The Department assigned the application number T-11242.

2. On May 31, 2011, Registration Application GR-200 (Certificate of Registration GR-186) was partially assigned to Mark and Becky Vidlak.

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

Registration: Application GR-200 (Certificate of Registration GR-186), in the names of PAUL J. AND ANTHONY J. SEPOLPO, and MARK AND BECKY VIDLAK (previously modified by T-10456, Special Order 74, Pages 243-246)

Use: IRRIGATION OF 20.22 ACRES

Tentative

Priority Date: NOVEMBER 2, 1950

Quantity: 92.5 GALLONS PER MINUTE (*0.20 cubic foot per second*)

Source: INFILTRATION TRENCH 1 within the WILLIAMS CREEK 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
38 S	5 W	WM	14	SE SE	498 FEET NORTH AND 498 FEET WEST FROM THE SE CORNER OF SECTION 14

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	5 W	WM	14	SE SE	0.91
38 S	5 W	WM	23	NE NE	17.70
38 S	5 W	WM	24	NW NW	1.61

4. Ground Water Registration Modification Application T-11242 proposes to modify the location of the original point of appropriation approximately 1000 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	5 W	WM	23	NE NE	1300 FEET WEST FROM THE SE CORNER OF SECTION 14

5. Notice of the application for ground water registration modification was published on May 10, 2011, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On June 10, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11242 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 10, 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 applicant is authorized to pursue the Groundwater Registration Modification.

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-11242 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-11242 is recognized, the final order will include the following:

- 1. The modification to Registration Application GR-200 (Certificate of Registration GR-186) proposed in Ground Water Registration Modification Application T-11242 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-200 (Certificate of Registration GR-186) 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. 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 16 day of June 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@wrд.state.or.us.

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301.