

**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-11247, Umatilla 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**

PATRICIA SUE ELMENHURST TRUST  
BOX 1040  
MILTON FREEWATER, OR 97862

**Findings of Fact**

**Background**

1. On May 13, 2011, PATRICIA SUE ELMENHURST TRUST filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-3575 (Certificate of Registration GR-3508). The Department assigned the application number T-11247.
2. The portion of the ground water registration to be modified is as follows:
  - Registration:** Application GR-3575 (Certificate of Registration GR-32784), in the name of W. C. MASON (assigned to: PATRICIA SUE ELMENHURST TRUST)
  - Use:** Irrigation of 2.0 ACRES
  - Tentative  
Priority Date:** FEBRUARY 1915
  - Tentative  
Quantity:** 0.07 CUBIC FOOT PER SECOND
  - Tentative  
Duty :** 22.39 ACRE FEET PER YEAR
  - Source:** A WELL within the WALLA WALLA 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.

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	25	SE NW	7 FEET NORTH AND 613 FEET EAST FROM THE SW CORNER OF THE SE¼NW¼ OF SECTION 25

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	25	SE NW	2.0

- Ground Water Registration Modification Application T-11247 proposes to modify the location of the original point of appropriation approximately 700 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	25	SE NW	2230 FEET SOUTH AND 180 FEET WEST FROM THE N¼ CORNER OF SECTION 25

- Notice of the application for ground water registration modification was published on May 24, 2011, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
- On August 29, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11247 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 29, 2011, for the applicant to respond. The applicant 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)]***

- The proposed modification would not result in enlargement of the ground water registration.
- The proposed modification 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.
- 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-11247 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-11247 is recognized, the final order will include the following:*

- 1. The modification to Registration Application GR-3575 (Certificate of Registration GR-3508) proposed in Ground Water Registration Modification Application T-11247 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-3575 (Certificate of Registration GR-3508) 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 new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 5. When required by the Department, 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 26 day of October, 2011.

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

This Preliminary Determination was prepared by Carrie Matthews. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or [Carrie.R.Matthews@wrd.state.or.us](mailto:Carrie.R.Matthews@wrd.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.*