

**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-11295, Josephine County)	RECOGNITION OF ADDITIONAL
)	POINTS OF APPROPRIATION AND
)	MODIFICATION OF PLACE OF USE

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

RENDATA INDUSTRIAL PARK, LLC
700 MERLIN RD
GRANTS PASS, OR 97526

Findings of Fact

Background

1. On September 7, 2011, RENDATA INDUSTRIAL PARK, LLC filed a ground water registration modification application for additional points of appropriation and to modify the place of use under Registration Application GR-3521 (Certificate of Registration GR-3238). The Department assigned the application number T-11295.
2. On September 19, 2011, Registration Application GR-3521 (Certificate of Registration GR-3238) was assigned from BATE LUMBER COMPANY to RENDATA INDUSTRIAL PARK, LLC.
3. The ground water registration to be modified is as follows:
Registration: Application GR-3521 (Certificate of Registration GR-3238), in the name of BATE LUMBER COMPANY (assigned to RENDATA INDUSTRIAL PARK, LLC)
Use: INDUSTRIAL
Tentative
Priority Date: PRIOR TO 1953

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.

Quantity: 40 GALLONS PER MINUTE
Source: PUMP WELL 2 within the LOUSE CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	6 W	WM	21	SW NE	PUMP WELL 2 (JOSE 18105) - EAST 36° 10' NORTH 1360 FEET FROM THE CENTER OF SECTION 21

Original Place of Use:

INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
35 S	6 W	WM	21	SW NE
35 S	6 W	WM	21	SE NW

4. Ground Water Registration Modification Application T-11295 proposes additional points of appropriation approximately: 1150 feet to J18106 (JOSE 18106), 1100 feet to J18107 (JOSE 18107), 175 feet to J3079 (JOSE 3079), 300 feet to L02341 (JOSE 50369), and 875 feet to J9938 (JOSE 9938) from the original well (JOSE 18105) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
35 S	6 W	WM	21	SW NE	J18106 (JOSE 18106) - 38 FEET NORTH AND 301 FEET EAST FROM THE CENTER OF SECTION 21
35 S	6 W	WM	21	SW NE	J18107 (JOSE 18107) - 234 FEET NORTH AND 176 FEET EAST FROM THE CENTER OF SECTION 21
35 S	6 W	WM	21	SW NE	J3079 (JOSE 3079) - 736 FEET NORTH AND 980 FEET EAST FROM THE CENTER OF SECTION 21
35 S	6 W	WM	21	SW NE	L02341 (JOSE 50369) - 1128 FEET NORTH AND 1139 FEET EAST FROM THE CENTER OF SECTION 21
35 S	6 W	WM	21	SE NE	J9938 (JOSE 9938) - 7 FEET NORTH AND 1589 FEET EAST FROM THE CENTER OF SECTION 21

5. Ground Water Registration Modification Application T-11295 also proposes to modify the place of use under the ground water registration to:

INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
35 S	6 W	WM	21	NE NE
35 S	6 W	WM	21	NW NE
35 S	6 W	WM	21	SW NE
35 S	6 W	WM	21	SE NE
35 S	6 W	WM	21	NE NW
35 S	6 W	WM	21	SE NW
35 S	6 W	WM	21	NE SE
35 S	6 W	WM	21	NW SE
35 S	6 W	WM	22	SW NW
35 S	6 W	WM	22	NW SW

6. Notice of the application for ground water registration modification was published on September 13, 2011, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

7. On November 10, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11295 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 10, 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)]

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

Determination and Proposed Action

The additional points of appropriation and modification in place of use proposed in Ground Water Registration Modification T-11295 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-11295 is recognized, the final order will include the following:

1. *The modification to Registration Application GR-3521 (Certificate of Registration GR-3238) proposed in Ground Water Registration Modification Application T-11295 is recognized. Recognition of the modifications 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-3521 (Certificate of Registration GR-3238) 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. *The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.*

Dated at Salem, Oregon this 1 day of December 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 St. NE, Suite A, Salem, OR 97301-1266.