



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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June 29, 2012

TIMOTHY KREDER
1301 NE HWY 99 W, #163
MCMINNVILLE, OR 97128

SUBJECT: Ground Water Registration Modification T-10822

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Ground Water Registration Modification Application T-10822. This document is an intermediate step in the approval process; water may not be used legally as proposed in the ground water registration modification application until a Final Order has been issued by the Department.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes
Ground Water Registration Modification Specialist

cc: File T-10822
Mike L. McCord, District 16 Watermaster
Eunice Goodrich, Applicant

Enc

**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-10822, Yamhill County)	RECOGNITION OF AN ADDITIONAL
)	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

EUNICE GOODRICH
PO BOX 466
DAYTON OR 97114

Agent

TIMOTHY C. KREDER
1301 NE HWY 99 W #163
MCMINNVILLE, OR 97114

Findings of Fact

Background

1. On March 17, 2009, EUNICE GOODRICH filed a ground water registration modification application to modify the place of use under Registration Application GR-886 (Certificate of Registration GR-860). The Department assigned the application number T-10822.
2. On March 17, 2009, Registration Application GR-886 (Certificate of Registration GR-860) was assigned from DONALD C. GOODRICH to EUNICE GOODRICH.
3. The applicant initially proposed to change the place of use, but amended the application on January 15, 2010, to keep the current place of use but add a point of appropriation.
4. The ground water registration to be modified is as follows:

Registration: Application GR-886 (Certificate of Registration GR-860), in the name of DONALD C. GOODRICH (*assigned to EUNICE GOODRICH*)

Use: IRRIGATION of 23.3 ACRES

Tentative

Priority Date: OCTOBER 1952

Quantity: 200 GALLONS PER MINUTE

Source: A WELL within the WEST FORK PALMER 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
4 S	4 W	WM	36	NE NE	YAMH 5954 - 900 FEET SOUTH AND 970 FEET WEST FROM THE NE CORNER OF SECTION 36

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	4 W	WM	36	NE NE	3.0
4 S	4 W	WM	36	NW NE	20.3

- Ground Water Registration Modification Application T-10822 proposes an additional point of appropriation approximately 40 feet from the original well. The proposed additional point of appropriation is located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	4 W	WM	36	NE NE	YAMH 5952 - 900 FEET SOUTH AND 930 FEET WEST FROM THE NE CORNER OF SECTON 36

- Notice of the application for ground water registration modification was published on January 26, 2010, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
- On July 26, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve recognition of Ground Water Registration Modification Application T-10822 to the applicant. The draft Preliminary Determination set forth a deadline of August 25, 2010, 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 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 streamflows 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.

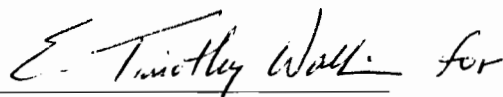
Determination and Proposed Action

The additional point of appropriation proposed in Ground Water Registration Modification T-10822 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-10822 is recognized, the final order will include the following:

- 1. The modification to Registration Application GR-886 (Certificate of Registration GR-860) proposed in Ground Water Registration Modification Application T-10822 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-886 (Certificate of Registration GR-860) 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 point 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. 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 diversion.*
 - b. The water user shall maintain the meter or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 29th day of June, 2012.

 *Dwight French* for

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

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrds.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.