



Twp	Rng	Mer	Sec	Q - Q	Measured Distances
					THE E $\frac{1}{4}$ CORNER OF SECTION 28

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
6 N	35 E	WM	28	NE SE	31.0

- Ground Water Registration Modification Application T-11105 proposes to add two wells located northwest approximately 930 feet from the original point of appropriation:

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	28	NE SE	<b>POA#2</b> - 1820 FEET NORTH AND 850 FEET WEST FROM THE SE CORNER OF SECTION 28
6 N	35 E	WM	28	NE SE	<b>POA#3</b> - 1880 FEET NORTH AND 850 FEET WEST FROM THE SE CORNER OF SECTION 28

- Notice of the application for ground water registration modification was published on July 20, 2010, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
- On April 26, 2012, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11105 to the applicants. The draft Preliminary Determination set forth a deadline of May 28, 2012, for the applicants to respond. On June 22, 2012, the agent for the applicants submitted a statement requesting the Department to 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)]***

- The proposed points of appropriation POA#2 (UMAT 4757) and POA#3 (UMAT 4763) both develop the same (source) aquifer as that of the original authorized well (UMAT 4791). Under OAR 690-380-2110, any request for a change in point of appropriation is restricted to the same aquifer.
- 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.

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-11105 is recognized, the final order will include the following:*

1. *The modification to Registration Application GR-1670 (Certificate of Registration GR-1621) proposed in Ground Water Registration Modification Application T-11105 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-1670 (Certificate of Registration GR-1621) and any related decree.*
3. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 4791).*
4. *The quantity of water diverted at the new 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. *Before water use may begin under this order, the water user shall install a totalizing flow meter on each new point of appropriation, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
6. *The water user shall maintain the meters or measuring device in good working order.*
7. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 5<sup>th</sup> day of July, 2012.

*E. Timothy Wall* for

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

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or [Ken.D.Dowden@wrds.state.or.us](mailto:Ken.D.Dowden@wrds.state.or.us).

