



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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October 9, 2012

### **Applicant**

WAYNE M. and CHARLOTTE J. TRUMBULL  
412 PARKVIEW STREET  
MILTON FREEWATER, OR 97862

SUBJECT: Ground Water Registration Modification T-11106

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11106. 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. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Union-Bulletin newspaper, 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 *or* 30 days after the last date of newspaper publication, whichever is later.

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) 986-0890 or [Dorothy.I.Pedersen@wrd.state.or.us](mailto:Dorothy.I.Pedersen@wrd.state.or.us) if I may be of assistance.

Sincerely,

Dorothy I. Pedersen  
Transfer Program Advisor

cc: GR Modification file T-11106

Tony G. Justus, District 5 Watermaster (*via e-mail*)

Dennis Burks, Agent → *address: 84452 HWY 339, Milton-Freewater, OR 97862*

John S. Warinner, CWRE, *at: FOUNTAINHEAD, 1204 Alvarado Terrace, Walla Walla, WA 99362*

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**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING APPROVAL OF
T-11106, Umatilla County	)	RECOGNITION OF ADDITIONAL
	)	POINTS 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.

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MILTON-FREEWATER, OR 97862

**Findings of Fact**

***Background***

1. On July 8, 2010, Wayne M. Trumbull filed a ground water registration modification application to modify the point of appropriation water use under Registration Application GR-3349 (Certificate of Registration GR-3101). The Department assigned the application number T-11106.
2. On May 11, 1979, Registration Application GR-3349 (Certificate of Registration GR-3101) was assigned to Wayne M. Trumbull.
3. On August 28, 2012, Charlotte J. Trumbull was added as a co-applicant.
4. On September 27, 2012, Dennis Burks, agent for the applicant, requested the withdrawal of the Randall, Tax Lot 901 (0.67 acre) portion of this Groundwater Registration Application, and submitted an amended map to reflect the portion of the groundwater registration to be modified.
5. The ground water registration to be modified is as follows:  
**Registration:** Application GR-3349 (Certificate of Registration GR-3101), currently assigned the name of Wayne Trumbull

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.

**Use:** Supplemental Irrigation of 9.03 ACRES  
**Tentative Priority Date:** 1912  
**Quantity:** 451.5 GALLONS PER MINUTE  
**Source:** A WELL within the LITTLE WALLA WALLA RIVER Basin  
**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	27	SW SW	710 FEET NORTH AND 610 FEET EAST FROM SW CORNER OF SECTION 27

**Original Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
6 N	35 E	WM	27	SW SW	900	9.03

6. Ground Water Registration Modification Application T-11106 proposes to add two additional points of appropriation northwest approximately 1865 feet from the original POA located:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	28	NE SE	POA#2 - 1820 FEET NORTH AND 850 FEET WEST FROM SE CORNER OF SECTION 28
6 N	35 E	WM	28	NE SE	POA#3 - 2050 FEET NORTH AND 740 FEET WEST FROM SE CORNER OF SECTION 28

7. 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.
8. On March 16, 2012, the Department mailed a copy of the draft Preliminary Determination to the applicant, proposing to approve the recognition of changes proposed in Ground Water Registration Modification Application T-11106. The draft Preliminary Determination set forth a deadline of April 15, 2012 for the applicant to respond. On April 26, 2012, the agent, on behalf of the applicant, requested additional time in which to gather the rest of the needed items from the other landowner.
9. On August 22, 2012, Dennis Burks, the agent, on behalf of the applicant, submitted a written response requesting the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the modification. On September 27, 2012, the applicant requested the withdrawal of the 0.67 acre, Tax Lot 901 (Randall) portion of the application and provided a new map.

***Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]***

10. The proposed modification would not result in enlargement of the ground water registration.
11. The Department has determined that the proposed wells (UMAT 4757 & UMAT 5496) will develop the same source of water as the authorized existing well (UMAT 4744). The new proposed additional wells develop the alluvial system overlying the Columbia River Basalt group.

12. 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.
13. The proposed modification would not result in injury to other water rights.

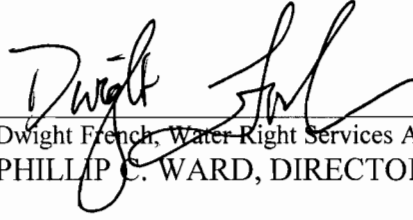
### **Determination and Proposed Action**

The modification to add additional points of appropriation, proposed in Ground Water Registration Modification T-11106, 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 modification will be recognized.

*If Ground Water Registration Modification Application T-11106 is recognized, the final order will include the following:*

1. *The modification to Registration Application GR-3349 (Certificate of Registration GR-3101) proposed in Ground Water Registration Modification Application T-11106 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-3349 (Certificate of Registration GR-3101) 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 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. *Water measurement condition:*
  - 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 additional point of appropriation.*
  - b) *The water user shall maintain the meters or measuring devices in good working order.*
  - c) *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 day of October, 2012.



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).

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.