



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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December 3, 2012

James and Leona LaFlamme, Trustees
LaFlamme Loving Trust
PO Box 106
Selma, OR 97538

SUBJECT: Ground Water Registration Modification T-11417

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11417. 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 Grants Pass Daily Courier 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 last date of newspaper publication.

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 503-986-0881 or teri.k.hranac@wrd.state.or.us, if I may be of assistance.

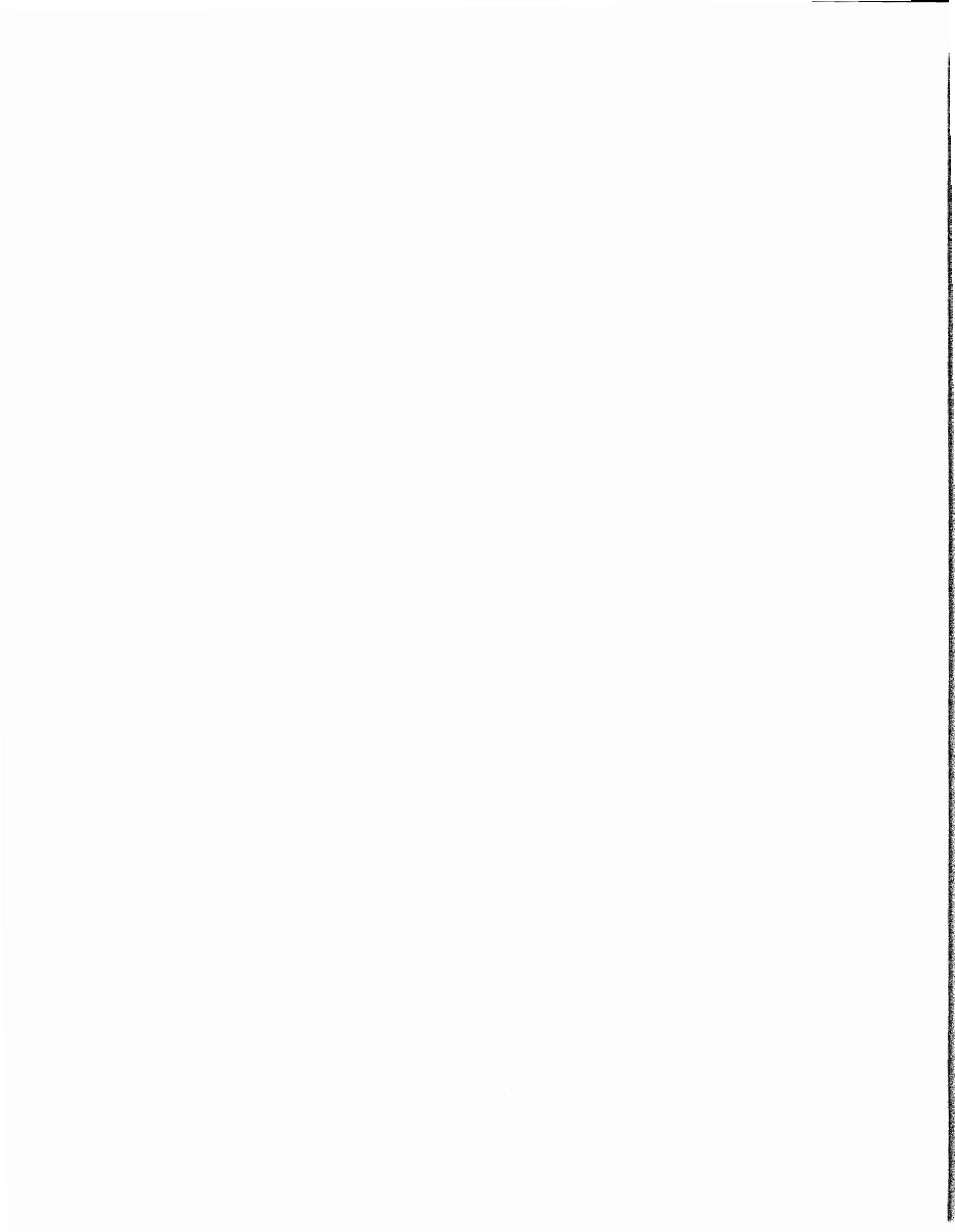
Sincerely,

Teri Hranac
Ground Water Registration Modification Specialist
Transfer and Conservation Section

Enclosures

cc: GR Modification T-11417
Kathy A. Smith, District 14 Watermaster (via e-mail)
Norm Daft, (via e-mail at normthewaterguy.charter.net)





**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-11417, Josephine County)	RECOGNITION OF A MODIFICATION
)	IN POINT OF APPROPRIATION AND
)	A MODIFICATION IN 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.

Applicants

JAMES R. AND LEONA M. LAFLAMME, TRUSTEES
LAFLAMME LOVING TRUST
PO BOX 106
SELMA, OR 97538

Findings of Fact

Background

1. On May 7, 2012, JAMES R. AND LEONA M. LAFLAMME, TRUSTEES, LAFLAMME LOVING TRUST filed a ground water registration modification application to modify the point of appropriation and place of use under Registration Application GR-4090 (Certificate of Registration GR-3860). The Department assigned the application number T-11417.
2. On November 19, 2012, the applicant amended the application correcting the place of use proposed to be transferred.
3. On May 7, 2012, Registration Application GR-4090 (Certificate of Registration GR-3860) was partially assigned from Raymond L. and Loretta R. Frost to James R. and Leona M. Laflamme, Trustees, Laflamme Loving Trust.

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.

4. The portion of the ground water registration to be modified is as follows:

Registration: Application GR-4090 (Certificate of Registration GR-3860), in the names of RAYMOND L. AND LORETTA R. FROST (*partially assigned to JAMES W. AND LEONA M. LAFLAMME, TRUSTEES, LAFLAMME LOVING TRUST*)

Use: IRRIGATION OF 12.0 ACRES

Tentative

Priority Date: JUNE 1948

Quantity: 33.34 GALLONS PER MINUTE

Source: A SUMP within the DEER CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	7 W	WM	9	SE SE	590 FEET NORTH AND 810 FEET WEST FROM THE SE CORNER OF SECTION 9

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
38 S	7 W	WM	9	SE SW	12.0	

5. Ground Water Registration Modification Application T-11417 proposes to modify the location of the original point of appropriation approximately 0.5 mile from the original point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	7 W	WM	9	SE SW	230 FEET NORTH AND 3390 FEET WEST FROM THE SE CORNER OF SECTION 9

2. Ground Water Registration Modification Application T-11417 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
38 S	7 W	WM	9	NE SW	38	4.0
38 S	7 W	WM	9	SE SW	38	8.0

6. Notice of the application for ground water registration modification was published on May 15, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
7. On November 6, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11417 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 7, 2012, for the applicants to respond. The applicants 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. 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.
9. The proposed modifications would not result in injury to other water rights.

Determination and Proposed Action

The modification in point of appropriation and modification in place of use proposed in Ground Water Registration Modification T-11417 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 690-380-4030, the modification will be approved.

If Ground Water Registration Modification T-11417 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-4090 (Certificate of Registration GR-3860) proposed in Ground Water Registration Modification Application T-11417 are 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-4090 (Certificate of Registration GR-3860) and any related decree.*
3. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
4. *Water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.*
5. *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.*
6. *The former place of use of the modified ground water registration shall no longer receive water as part of the ground water certificate of registration.*

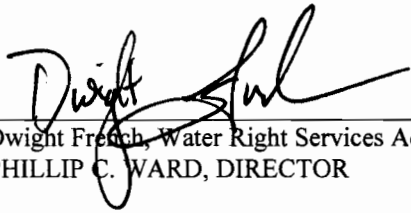
7. *Water use measurement conditions:*

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 the new point of appropriation.

b. The water user shall maintain the meter or measuring device in good working order.

c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated at Salem, Oregon this 30 day of November, 2012.



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@wrdd.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.