



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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February 13, 2013

VIA E-MAIL

WILLIAM C. AND PEGGY M. KRUEGER
2154 SE POWELLS ROAD
CORVALLIS, OR 97333

SUBJECT: Ground Water Registration Modification Application T-11436

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11436. 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 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@wr.d.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes

Ground Water Registration Modification Specialist

cc: GR Modification T-11486
Mike McCord, District 16 Watermaster (*via e-mail*)

encs

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	5 W	WM	24	SE NE	1900 FEET SOUTH AND 1100 FEET WEST FROM THE NE CORNER OF SECTION 24

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	5 W	WM	24	SW NE	5.98
12 S	5 W	WM	24	SE NE	0.82
12 S	5 W	WM	24	NE SE	2.07
12 S	5 W	WM	24	NW SE	1.13
Total					10.00

4. Ground Water Registration Modification Application T-11436 proposes to modify the location of the original point of appropriation approximately 575 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	5 W	WM	24	SW NE	WELL (BENT 5921) - 2400 FEET SOUTH AND 1400 FEET WEST FROM THE NE CORNER OF SECTION 24

5. Notice of the application for ground water registration modification was published on July 3, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On December 21, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11436 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 1, 2013, 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)]

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

Determination and Proposed Action

The modification in point of appropriation proposed in Ground Water Registration Modification T-11436 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 690-380-4030, the modification will be approved.

If Ground Water Registration Modification T-11436 is approved, the final order will include the following:

- 1. The modification to Registration Application GR-226 (Certificate of Registration GR-209) proposed in Ground Water Registration Modification Application T-11436 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-226 (Certificate of Registration GR-209) 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.*

Dated at Salem, Oregon this 13 day of February 2013.


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.