



Oregon

John A. Kitzhaber, MD, Governor

July 12, 2013

Water Resources Department

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Salem, OR 97301
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VIA E-MAIL

Applicant

THE POPLARS RANCH INC.
59234 FORT ROCK RD
SILVER LAKE, OR 97638

SUBJECT: Ground Water Registration Modification T-11462

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11462. 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 Lake County Examiner 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@wrds.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Transfer Program Advisor

cc: GR Modification T-11462
Brian M. Mayer, District 12 Watermaster (*via e-mail*)
Dennis R. Glender, agent for the applicant (*via e-mail*)

enc



**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-11462, Lake County)	RECOGNITION OF MODIFICATIONS
)	IN POINTS OF APPROPRIATION AND
)	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.

Applicant

THE POPLARS RANCH INC.
c/o ALAN PARKS, PRESIDENT
59234 FORT ROCK RD
SILVER LAKE, OR 97638

Findings of Fact

Background

1. On August 15, 2012, THE POPLARS RANCH INC. filed a ground water registration modification application to modify the point of appropriation and place of use under Registration Application GR-347 (Certificate of Registration GR-333). The Department assigned the application number T-11462
2. On August 16, 2012, Application GR-347/GR Certificate of Registration GR-333 was assigned from Merritt Y. Parks and Ruby Helen Parks to The Poplars Ranch, Inc.
3. Notice of the application for ground water registration modification was published on August 28, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On October 4, 2012, the Department notified the applicant and agent that the lands from which the groundwater registration was proposed to be moved had also a layered water right under Certificate 81489, and that a transfer application would need to be filed to

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.

transfer the layered right, or Certificate 81489 would need to be canceled, or Application T-11462 would need to be withdrawn.

5. On January 3 and 8, 2013, the applicant submitted revised maps and application pages, identifying 53.8 acres for modification that are not layered with Certificate 81489, and adding an additional proposed well.
6. On June 3, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11462 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 3, 2013, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, identified a few clerical errors that have been corrected in this document, and provided the necessary information to demonstrate that the applicant is authorized to pursue the Groundwater Registration Modification.
7. The portion of the ground water registration to be modified is as follows:

Registration: Application GR-347 (Certificate of Registration GR-333), in the name of Merritt Y. Parks and Ruby Helen Parks (*assigned to THE POPLARS RANCH INC.*)

Use: Irrigation of 53.8 ACRES

Tentative

Priority Date: 1922

Quantity: 496 gallons per minute (1.105 cubic feet per second)

Source: A WELL within the FORT ROCK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	15 E	WM	4	SW NE	SOUTH 38 DEGREES 10 MIN WEST 2440 FEET FROM NE CORNER OF SECTION 4

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	15 E	WM	33	SW SW		28.0
26 S	15 E	WM	33	SW SW		2.0
27 S	15 E	WM	4	NE NE	1	12.8
27 S	15 E	WM	4	NW NE	2	3.3

8. Ground Water Registration Modification Application T-11462 proposes to modify the location of the original point of appropriation for some of the lands, and to use new points of appropriation, being Well 2 approximately 0.75 mile and Well 3 approximately 1.2 mile NW from the original well for other lands included in this transfer:

Proposed Points of Appropriation:

Well	Well Log #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	LAKE 779	27 S	15 E	WM	4	SW NE	SOUTH 38 DEG 10 MIN WEST 2440 FEET FROM NE CORNER, SECTION 4
2	LAKE 483 & 484	26 S	15 E	WM	33	NW SW	1330 FEET NORTH AND 1330 FEET WEST FROM THE S¼ CORNER OF SECTION 33
3	LAKE 51764	26 S	15 E	WM	33	NW NW	1320 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33

9. Ground Water Registration Modification Application T-11462 proposes to modify the place of use under the ground water registration to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well
26 S	15 E	WM	33	NE NW		3.8	3
26 S	15 E	WM	33	NW NW		20.8	3
26 S	15 E	WM	33	SW SW		28.0	2
27 S	15 E	WM	4	NE NE	1	0.8	1
27 S	15 E	WM	4	SE NE		0.4	1

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

10. The proposed modifications would not result in enlargement of the ground water registration.
 11. 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.
 12. The proposed modifications would not result in injury to other water rights.
- Determination and Proposed Action

Determination and Proposed Action

The modifications in point of appropriation and modification in place of use proposed in Ground Water Registration Modification T-11462 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-11462 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-347(Certificate of Registration GR-333) proposed in Ground Water Registration Modification Application T-11462 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-347 (Certificate of Registration GR-333) 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 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. *The former place of use of the modified ground water registration, from which the water use has been transferred, shall no longer receive water as part of the ground water certificate of registration.*
6. *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 appropriation (new and existing).*
 - 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 device(s); 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 16 day of July, 2013.


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

This Preliminary Determination was prepared by Dorothy Pedersen. If you have questions about the information in this document, you may reach me at 503-986-0890 or Dorothy.I.Pedersen@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.