



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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January 31, 2014

VIA EMAIL

OREGON STATE UNIVERSITY
COLLEGE OF AGRICULTURAL SCIENCES
ATTN: JENNIFER DOREEN AND RANDY HOPSON
34306 NE ELECRIC RD
CORVALLIS, OR 97331

SUBJECT: Ground Water Registration Modification T-11502

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11502. 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 Tracy.L.Fox@wrd.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox
Ground Water Registration Modification Specialist
Transfer and Conservation Section

cc: GR Modification T-11502
Michael J. Mattick, District 2 Watermaster (*via e-mail*)

enclosure



**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-11502, Linn County)	RECOGNITION OF A MODIFICATION
)	IN POINT 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.

Applicant

OREGON STATE UNIVERSITY
COLLEGE OF AGRICULTURAL SCIENCES
ATTN: RANDY HOPSON
34306 NE ELECTRIC RD
CORVALLIS, OR 97333

Findings of Fact

1. On December 13, 2012, OREGON STATE UNIVERSITY filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-2990 (Certificate of Registration GR-2799). The Department assigned the application number T-11502.
2. Notice of the application for ground water registration modification was published on December 18, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On January 10, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11502 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 11, 2014, for the applicant to respond. The applicant 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.

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-2990 (Certificate of Registration GR-2799), in the name of OREGON STATE COLLEGE
Use: IRRIGATION of 18.4 ACRES
Tentative Priority Date: APRIL 27, 1947
Quantity: 165 GALLONS PER MINUTE
Source: A WELL within the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	5 W	WM	36	SW NE	3260 FEET NORTH AND 150 FEET EAST FROM THE NW CORNER OF ROBINETTE DLC 71

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	5 W	WM	36	NE NE	0.4
11 S	5 W	WM	36	NW NE	0.7
11 S	5 W	WM	36	SW NE	11.3
11 S	5 W	WM	36	SE NE	6.0

5. Ground Water Registration Modification Application T-11502 proposes to modify the location of the original point of appropriation approximately 28 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	5 W	WM	36	SW NE	3260 FEET NORTH AND 122 FEET EAST FROM THE NW CORNER OF ROBINETTE DLC 71

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

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

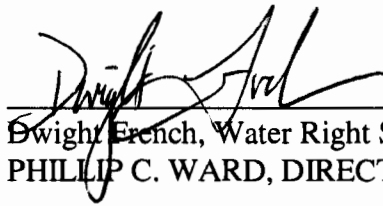
Determination and Proposed Action

The modification in point of appropriation proposed in Ground Water Registration Modification T-11502 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-11502 is approved, the final order will include the following:

- 1. The modification to Registration Application GR-2990 (Certificate of Registration GR-2799) proposed in Ground Water Registration Modification Application T-11502 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-2990 (Certificate of Registration GR-2799) 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 29 day of January 2014.



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

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@ wrd.state.or.us.

Protests should be addressed to the attention of Water Rights Division, Water Resources Department, 725 Summer St. NE Suite A, Salem OR 97301-1266.