



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

February 14, 2014

VIA E-MAIL

SLEGGERS INC.  
18345 SE NICHOLS RD  
DAYTON, OR 97114

SUBJECT: Water Right Transfer Application T-11499

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11499. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer 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 McMinnville News Register 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 503-986-0890 or [Sarah.A.Henderson@wrdd.state.or.us](mailto:Sarah.A.Henderson@wrdd.state.or.us) if I may be of assistance.

Sincerely,

Sarah Henderson  
Transfer Specialist  
Transfer and Conservation Section

cc: T-11499  
Mike L. McCord, District 16 Watermaster (via e-mail)  
James M. Schuette, Agent for the applicant (via e-mail)  
Palmer Creek Water District Improvement Co. (14395 SE Wallace Rd, Dayton, OR 97114)

encs

**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-11499, Yamhill County	)	RECOGNITION OF AN ADDITIONAL
	)	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**

SLEGERS INC.  
18345 SE NICHOLS RD  
DAYTON, OR 97114

**Findings of Fact**

1. On December 7, 2012, SLEGERS INC. filed a ground water registration modification application to add an additional point of appropriation under Registration Application GR-4171 (Certificate of Registration GR-3971). The Department assigned the application number T-11499.
2. On December 7, 2012, Registration Application GR-4171 (Certificate of Registration GR-3971) was assigned to SLEGERS INC.
3. 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.
4. On December 17, 2013, the applicant submitted an amended application, identifying 140.0 acres involved in T-11499.
5. On December 26, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11499 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 26, 2013, 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.

6. On January 31, 2014 the Department identified an error in the draft Preliminary Determination and made contact with the applicant's agent to correctly identify the additional point of appropriation location.
7. The entirety of the ground water registration to be modified is as follows:

**Registration:** Application GR-4171 (Certificate of Registration GR-3971), (*assigned to SLEGGERS INC.*)

**Use:** IRRIGATION of 140.0 ACRES

**Tentative**

**Priority Date:** July 1943

**Quantity:** 650 GALLONS PER MINUTE

**Source:** A WELL within the WILLAMETTE RIVER BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	35	SE NW	8	WELL NO. 1 - 1915 FEET SOUTH AND 110 FEET EAST FROM THE NW CORNER OF SECTION 35

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	3 W	WM	34	SW NE	38.0
4 S	3 W	WM	34	SE NE	37.0
4 S	3 W	WM	34	NE SE	14.0
4 S	3 W	WM	34	NW SE	20.0
4 S	3 W	WM	35	SW NW	25.0
4 S	3 W	WM	35	NW SW	6.0
Total					140.0

8. Ground Water Registration Modification Application T-11499 proposes to add an additional point of appropriation approximately 1.74 miles from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	35	NE NW	WELL NO. 2 - 240 FEET SOUTH AND 2620 FEET EAST FROM THE NW CORNER OF SECTION 35

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

9. The proposed modification would not result in enlargement of the ground water registration.
10. 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.
11. The proposed modification would not result in injury to other water rights.

## Determination and Proposed Action

The additional point of appropriation proposed in Ground Water Registration Modification T-11499 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-11499 is approved, the final order will include the following:*

- 1. The modification to Registration Application GR-4171 (Certificate of Registration GR-3971) proposed in Ground Water Registration Modification Application T-11499 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-4171 (Certificate of Registration GR-3971) 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 additional point 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 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 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 14 day of February, 2013.

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

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-986-0890 or Sarah.A.Henderson@ wrd.state.or.us.

**Notice of Preliminary Determination for  
Water Right Transfer T-11499**

T-11499 filed by Slegers Inc., 18345 SE Nichols Rd., Dayton, OR 97114, proposes an additional point of appropriation under Registration Application GR-4171 (Certificate of Registration GR-3971). The right allows the use of 650.0 gpm (tentative priority date July 1943) from a well in Sec. 35, T 4 S, R 3 W, W.M. for irrigation in Sects. 34 and 35. The applicant proposes an additional point of appropriation in Sec. 35, T 4 S, R 3 W, W.M. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/2014. Call (503) 986-0807 to obtain additional information or a protest form. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.