



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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July 10, 2014

VIA EMAIL

DONALD MOISAN  
9165 WHEATLAND RD  
SALEM, OR 97303

SUBJECT: Ground Water Registration Modification T-11681

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Groundwater Registration Modification Application T-11681. 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@wrdd.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox  
Groundwater Registration Modification Specialist  
Transfer and Conservation Section

cc: T-11681  
District 16 Watermaster (via e-mail)  
Gregory Kupillas, Agent for the applicant and CWRE (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-11681, Marion County	)	RECOGNITION OF 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.

**Applicant**

DONALD MOISAN  
9165 WHEATLAND RD  
SALEM, OR 97303

**Findings of Fact**

1. On November 5, 2013, DONALD MOISAN filed a ground water registration modification application to modify the place of use under Registration Application GR-3037 (Certificate of Registration GR-2843). The Department assigned the application number T-11681.
2. On November 6, 2013, Registration Application GR-3037 (Certificate of Registration GR-2843) was partially assigned from GEORGE J. LANDRITH to DONALD MOISAN.
3. Notice of the application for ground water registration modification was published on November 12, 2013, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On March 24, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11681 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 24, 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.
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5. On May 1, 2014, the applicant's agent, Gregory Kupillas, informed the Department of a needed correction in the description of the measured distances for the point of appropriation in the draft Preliminary Determination. That has been corrected in this Preliminary Determination.
6. The ground water registration to be modified is as follows:

**Registration:** Application GR-3037 (Certificate of Registration GR-2843), in the name of DONALD MOISAN; as modified by Special Order Volume 25, page 484.

**Use:** IRRIGATION OF 72.0 ACRES

**Tentative Priority Date:** 1951

**Quantity:** 304 GALLONS PER MINUTE

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

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	15	NE NW	120 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF THE NE 1/4 NW 1/4 OF SECTION 15

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	10	SW SW	0.5
6 S	3 W	WM	10	SE SW	8.3
6 S	3 W	WM	10	SW SE	2.2
6 S	3 W	WM	15	SW NE	5.9
6 S	3 W	WM	15	NE NW	38.3
6 S	3 W	WM	15	NW NW	1.5
6 S	3 W	WM	15	SW NW	2.5
6 S	3 W	WM	15	SE NW	12.8
Total:					72.0

7. Ground Water Registration Modification Application T-11681 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	10	SW SW	0.5
6 S	3 W	WM	10	SE SW	8.3
6 S	3 W	WM	10	SW SE	2.2
6 S	3 W	WM	15	NW NE	5.9
6 S	3 W	WM	15	SW NE	2.0
6 S	3 W	WM	15	NE NW	38.3
6 S	3 W	WM	15	NW NW	1.5
6 S	3 W	WM	15	SW NW	0.5
6 S	3 W	WM	15	SE NW	12.8
Total:					72.0

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

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

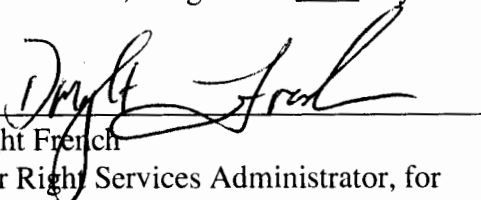
**Determination and Proposed Action**

The modification in place of use proposed in Ground Water Registration Modification T-11681 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-11681 is approved, the final order will include the following:*

1. *The modification to Registration Application GR-3037 (Certificate of Registration GR-2843) proposed in Ground Water Registration Modification Application T-11681 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-3037 (Certificate of Registration GR-2843) and any related decree.*
3. *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.*

Dated at Salem, Oregon this 10 day of July, 2014.

  
Dwight French  
Water Rights Services Administrator, for  
Director  
Oregon Water Resources Department

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@wrds.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266.