



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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July 22, 2014

VIA EMAIL

CAMP MORRISON LLC  
C/O TERRY SILBERNAGEL  
4675 DEON LN SE  
SALEM OR 97317-8980

SUBJECT: Water Right Transfer Application T-11600

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11600. 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 Lebanon Express 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 [Tracy.L.Fox@wr.d.state.or.us](mailto:Tracy.L.Fox@wr.d.state.or.us) or 503 986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox  
Transfer Specialist  
Transfer and Conservation Section

cc: T-11600  
Michael J. Mattick, District 2 Watermaster (*via e-mail*)  
Jack Richard Burrell, CWRE #209 and Agent for the applicant (*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-11600, Linn County	)	RECOGNITION OF MODIFICATION 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**

CAMP MORRISON LLC  
C/O TERRY SILBERNAGEL  
4675 DEON LN SE  
SALEM OR 97317-8980

**Findings of Fact**

1. On May 20, 2013, WILLIAM SABOL filed a ground water registration modification application to modify the points of appropriation and place of use under Registration Application GR-325 (Certificate of Registration GR-307). The Department assigned the application number T-11600.
2. On May 21, 2013, Registration Application GR-325 (Certificate of Registration GR-307) was assigned from CHARLES GRIZZEL to WILLIAM SABOL.
3. Notice of the application for ground water registration modification was published on May 28, 2013, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On January 15, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11600 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 17, 2014, for the applicant to respond.

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 January 21, 2014, the agent for the applicant informed the Department that between filing the ground water modification application and now, the owner sold the property.
6. On February 3, 2014, Registration Application GR-325 (Certificate of Registration GR-307) was assigned from WILLIAM SABOL to CAMP MORRISON, LLC.
7. On March 3, 2014, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11600 to the new owner. The draft Preliminary Determination cover letter set forth a deadline of April 15, 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.
8. On April 29, 2014, the Department notified the applicant's agent, Jack Burrell, that because one of the proposed wells is more than a ¼ mile away from two of the authorized wells, a newspaper notice is required. This is a change from the draft preliminary determination.
9. The portion of the ground water registration to be modified is as follows:

**Registration:** Application GR-325 (Certificate of Registration GR-307), in the name of CHARLES GRIZZEL (assigned to CAMP MORRISON, LLC)

**Use:** IRRIGATION of:  
WELL 1: 12.9 ACRES  
WELLS 2 AND 3: 45.4 ACRES

**Tentative Priority Dates:** WELL 1: APRIL 10, 1945  
WELL 2: JUNE 5, 1948  
WELL 3: JUNE 10, 1945

**Quantity:** WELL 1: 148 GALLONS PER MINUTE  
WELL 1: 32.25 ACRE FEET PER YEAR  
WELL 2: 419 GALLONS PER MINUTE  
WELL 3: 160 GALLONS PER MINUTE  
WELLS 2 AND 3: 113.50 ACRE FEET PER YEAR

**Source:** THREE WELLS within the SANTIAM RIVER BASIN

**Original Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	3 W	WM	4	NW SE	WELL 2: SOUTH 58 DEGREES AND WEST 1617 FEET FROM THE NE CORNER OF THE SE1/4 OF SECTION 4
10 S	3 W	WM	4	NW SE	WELL 3: SOUTH 64 DEGREES AND WEST 1900.8 FEET FROM THE NE CORNER OF THE SE1/4 OF SECTION 4
10 S	3 W	WM	4	SE SE	WELL 1: NORTH 84 DEGREES AND WEST 1287 FEET FROM THE SE CORNER OF SECTION 4

**Original Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Well #
10 S	3 W	WM	4	NE SE	14.1	2 & 3
10 S	3 W	WM	4	NW SE	17.3	2 & 3
10 S	3 W	WM	4	SW SE	8.6	2 & 3
10 S	3 W	WM	4	SW SE	8.1	1
10 S	3 W	WM	4	SE SE	4.8	1
10 S	3 W	WM	4	SE SE	5.4	2 & 3
Total:					58.3	

10. Ground Water Registration Modification Application T-11600 proposes to modify the location of the original points of appropriation with the approximate distances from the original wells as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Well #1	Distance from Well #2	Distance from Well #3
10 S	3 W	WM	4	NE SE	WELL 5: 2580 FEET NORTH AND 1230 FEET WEST OF THE SE CORNER OF SECTION 4	N/A	800 FEET NORTH	900 FEET NORTH EAST
10 S	3 W	WM	4	SW SE	WELL 4: 150 FEET NORTH AND 1710 FEET WEST OF THE SE CORNER OF SECTION 4	450 FEET WEST	1700 FEET SOUTH	1750 FEET SOUTH

11. Ground Water Registration Modification Application T-11600 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Well #
10 S	3 W	WM	4	NE SE	1.0	4
10 S	3 W	WM	4	NE SE	13.1	5
10 S	3 W	WM	4	NW SE	16.1	5
10 S	3 W	WM	4	NW SE	1.2	4
10 S	3 W	WM	4	SW SE	8.6	4
10 S	3 W	WM	4	SW SE	8.1	4
10 S	3 W	WM	4	SE SE	4.8	4
10 S	3 W	WM	4	SE SE	5.4	4
Total:					58.3	

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

12. The proposed modifications would not result in enlargement of the ground water registration.
13. 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.

14. The proposed modifications would not result in injury to other water rights.

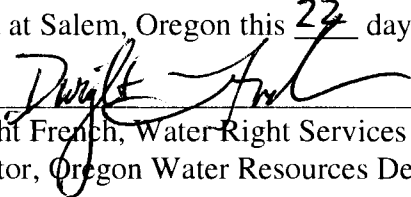
### **Determination and Proposed Action**

The modifications in points of appropriation and modification in place of use proposed in Ground Water Registration Modification T-11600 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-11600 is approved, the final order will include the following:*

- 1. The modifications to Registration Application GR-325 (Certificate of Registration GR-307) proposed in Ground Water Registration Modification Application T-11600 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-325 (Certificate of Registration GR-307) and any related decree.*
- 3. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
- 4. Water shall no longer be appropriated from the original points of appropriation as part of this ground water certificate of registration.*
- 5. The quantity of water diverted at the new point of appropriation well 4, shall not exceed the quantity of water lawfully available at the original points of appropriation from wells 1, 2 and 3 of 353.6 gallons per minute, being 147.1 gallons per minute from well 1 and 206.5 gallons per minute from wells 2 and 3.*
- 6. The quantity of water diverted at the new point of appropriation well 5, shall not exceed the quantity of water lawfully available at the original points of appropriation from wells 2 and 3 of 372.2 gallons per minute.*

Dated at Salem, Oregon this 27 day of July, 2014.

  
Dwight French, Water Right 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.