



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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Salem, OR 97301-1271  
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July 23, 2014

VIA E-MAIL

CITY OF KEIZER  
PO BOX 21000  
KEIZER, OR 97307-1000

SUBJECT: Groundwater Registration Modification Application T-11724

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Groundwater Registration Modification Application T-11724. This document is an intermediate step in the approval process; water may not be used legally as proposed in the groundwater 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 Keizer Times 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@ wrd.state.or.us](mailto:Tracy.L.Fox@ wrd.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-11724  
Joel Plahn, District 16 Watermaster (*via e-mail*)  
4B Engineering and Consulting, 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     | ) | PROPOSING APPROVAL OF         |
| T-11724, Marion 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**

CITY OF KEIZER  
PO BOX 21000  
KEIZER, OR 97307-1000

**Findings of Fact**

1. On January 21, 2014, the CITY OF KEIZER filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-3065 (Certificate of Registration GR-2868). The Department assigned the application number T-11724.
2. On February 14, 2014, Registration Application GR-3065 (Certificate of Registration GR-2868) was assigned from THE KEIZER WATER DISTRICT to the CITY OF KEIZER.
3. Notice of the application for ground water registration modification was published on January 28, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On June 11, 2014, the Department contacted 4B Engineering and Consulting, LLC, by written correspondence to notify the applicant's agent of the deficiencies in the application. Mainly, the incorrect well was identified on the application as the authorized point of appropriation and the location of the proposed well didn't agree on all places on the application. The Department requested that the deficiencies be resolved by July 11, 2014. On June 19, 2014, the applicant's agent submitted revised application pages, correcting the deficiencies.

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| 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 June 26, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11724 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 28, 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.

6. The ground water registration to be modified is as follows:

**Registration:** Application GR-3065 (Certificate of Registration GR-2868) in the name of KEIZER WATER DISTRICT (assigned to CITY OF KEIZER)  
**Use:** MUNICIPAL  
**Tentative Priority Date:** 1943  
**Quantity:** 700 GALLONS PER MINUTE  
**Source:** SHORELINE WELL NO. 1 within the WILLAMETTE RIVER BASIN

**Original Point of Appropriation:**

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-----|-----|-----|-----|-------|----------------------|
| 7 S | 3 W | WM  | 3   | SW SE | SHORELINE WELL NO. 1 |

**Original Place of Use:**

| MUNICIPAL USES |     |     |     |       |
|----------------|-----|-----|-----|-------|
| Twp            | Rng | Mer | Sec | Q-Q   |
| 6 S            | 3 W | WM  | 34  | SE SW |
| 6 S            | 3 W | WM  | 34  | NE SE |
| 6 S            | 3 W | WM  | 34  | NW SE |
| 6 S            | 3 W | WM  | 34  | SW SE |
| 6 S            | 3 W | WM  | 34  | SE SE |
| 6 S            | 3 W | WM  | 35  | NE SW |
| 6 S            | 3 W | WM  | 35  | NW SW |
| 6 S            | 3 W | WM  | 35  | SW SW |
| 6 S            | 3 W | WM  | 35  | SE SW |
| 6 S            | 3 W | WM  | 35  | SW SE |
| 7 S            | 3 W | WM  | 1   | NW NW |
| 7 S            | 3 W | WM  | 1   | SW NW |
| 7 S            | 3 W | WM  | 1   | NW SW |
| 7 S            | 3 W | WM  | 1   | SW SW |
| 7 S            | 3 W | WM  | 2   | NE NE |
| 7 S            | 3 W | WM  | 2   | NW NE |
| 7 S            | 3 W | WM  | 2   | SW NE |
| 7 S            | 3 W | WM  | 2   | SE NE |
| 7 S            | 3 W | WM  | 2   | NE NW |
| 7 S            | 3 W | WM  | 2   | NW NW |
| 7 S            | 3 W | WM  | 2   | SW NW |
| 7 S            | 3 W | WM  | 2   | SE NW |

| MUNICIPAL USES |     |     |     |       |
|----------------|-----|-----|-----|-------|
| Twp            | Rng | Mer | Sec | Q-Q   |
| 7 S            | 3 W | WM  | 2   | NE SW |
| 7 S            | 3 W | WM  | 2   | NW SW |
| 7 S            | 3 W | WM  | 2   | SW SW |
| 7 S            | 3 W | WM  | 2   | SE SW |
| 7 S            | 3 W | WM  | 2   | NE SE |
| 7 S            | 3 W | WM  | 2   | NW SE |
| 7 S            | 3 W | WM  | 2   | SW SE |
| 7 S            | 3 W | WM  | 2   | SE SE |
| 7 S            | 3 W | WM  | 3   | NE NE |
| 7 S            | 3 W | WM  | 3   | NW NE |
| 7 S            | 3 W | WM  | 3   | SW NE |
| 7 S            | 3 W | WM  | 3   | SE NE |
| 7 S            | 3 W | WM  | 3   | NE NW |
| 7 S            | 3 W | WM  | 3   | NE SE |
| 7 S            | 3 W | WM  | 3   | NW SE |
| 7 S            | 3 W | WM  | 3   | SW SE |
| 7 S            | 3 W | WM  | 3   | SE SE |
| 7 S            | 3 W | WM  | 10  | NE NE |
| 7 S            | 3 W | WM  | 10  | NW NE |
| 7 S            | 3 W | WM  | 10  | SW NE |
| 7 S            | 3 W | WM  | 10  | SE NE |
| 7 S            | 3 W | WM  | 10  | NW SE |
| 7 S            | 3 W | WM  | 10  | SW SE |
| 7 S            | 3 W | WM  | 10  | SE SE |
| 7 S            | 3 W | WM  | 11  | NE NE |
| 7 S            | 3 W | WM  | 11  | NW NE |
| 7 S            | 3 W | WM  | 11  | SW NE |
| 7 S            | 3 W | WM  | 11  | SE NE |
| 7 S            | 3 W | WM  | 11  | NE NW |
| 7 S            | 3 W | WM  | 11  | NW NW |
| 7 S            | 3 W | WM  | 11  | SW NW |
| 7 S            | 3 W | WM  | 11  | SE NW |
| 7 S            | 3 W | WM  | 11  | NE SW |
| 7 S            | 3 W | WM  | 11  | NW SW |
| 7 S            | 3 W | WM  | 11  | SW SW |
| 7 S            | 3 W | WM  | 11  | SE SW |
| 7 S            | 3 W | WM  | 11  | NE SE |
| 7 S            | 3 W | WM  | 11  | NW SE |
| 7 S            | 3 W | WM  | 11  | SW SE |
| 7 S            | 3 W | WM  | 11  | SE SE |
| 7 S            | 3 W | WM  | 12  | NW NW |
| 7 S            | 3 W | WM  | 12  | SW NW |
| 7 S            | 3 W | WM  | 14  | NE NE |
| 7 S            | 3 W | WM  | 14  | NW NE |
| 7 S            | 3 W | WM  | 14  | NE NW |
| 7 S            | 3 W | WM  | 14  | NW NW |
| 7 S            | 3 W | WM  | 15  | NE NE |

7. Ground Water Application GR-3065 (Certificate of Registration GR-2868) does not describe the measured distances of the point of appropriation, however information is available from the applicant's agent more accurately describing the point of appropriation as follows:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-----|-----|-----|-----|-------|--|
| 7 S | 3 W | WM  | 3   | SW SE | SHORELINE WELL NO. 1: 1040 FEET NORTH AND 1770 FEET WEST OF THE SE CORNER OF SECTION 3 |

8. Ground Water Registration Modification Application T-11724 proposes to modify the location of the original point of appropriation approximately 1.1 miles from the original well to:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-----|-----|-----|-----|-------|--|
| 6 S | 3 W | WM  | 32  | SW SW | LACEY CT WELL: 1062 FEET NORTH AND 1039 FEET EAST OF THE SW CORNER OF SECTION 34 |

***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 modification in point of appropriation proposed in Ground Water Registration Modification T-11724 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 Groundwater Registration Modification T-11724 is approved, the final order will include the following:*

- 1. The modification to Registration Application GR-3065 (Certificate of Registration GR-2868) proposed in Ground Water Registration Modification Application T-11724 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-3065 (Certificate of Registration GR-2868) 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.*
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 at each new point of appropriation.*
  - b. *The water user shall maintain the meter or measuring device in good working order.*
  - c. *The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 23 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@wrđ.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.