



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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October 13, 2014

DAVID G. AND THERESA A. PAYSINGER
16303 SE WALLACE RD
DAYTON, OR 97114

SUBJECT: Ground Water Registration Modification T-11800

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11800. 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
Groundwater Registration Modification Specialist
Transfer and Conservation Section

cc: T-11800
Joel Plahn, District 16 Watermaster (*via e-mail*)
Doann Hamilton, CWRE and Agent for the applicant (*via e-mail*)

enclosures



**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-11800, Yamhill 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

DAVID G. AND THERESA A. PAYSINGER
16303 SE WALLACE RD
DAYTON, OR 97114

Findings of Fact

1. On April 24, 2014, DAVID G. AND THERESA A. PAYSINGER filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1735 (Certificate of Registration GR-1700). The Department assigned the application number T-11800
2. On April 24, 2014, Registration Application GR-1753 (Certificate of Registration GR-1700) was assigned from JAMES C. SHELBURNE to DAVID G. AND THERESA A. PAYSINGER.
3. Notice of the application for ground water registration modification was published on May 6, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On October 1, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11800 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 3, 2014, for the applicants to respond. The applicants 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. The portion of the ground water registration to be modified is as follows:

Registration: Ground Water Registration Application GR-1753 (Certificate of Registration GR-1700), in the name of JAMES C. SHELBURNE (*assigned to DAVID G. AND THERESA A. PAYSINGER*)

Use: IRRIGATION of 14.0 ACRES

Tentative Priority Date: MARCH 20, 1953

Quantity: 152 GALLONS PER MINUTE

Source: A WELL within the WARNER CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	16	NW NE	56	950 FEET SOUTH AND 450 FEET EAST FROM THE N1/4 CORNER OF SECTION 16

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	16	NE NE	56	7.4
5 S	3 W	WM	16	NW NE	56	6.6

6. The applicant's CWRE provided information to the Department that more accurately describes the place of use for Registration Application GR-1753 (Certificate of Registration GR-1700). The following table lists the place of use, of the entire Registration, as described in Ground Water Registration Application GR-1753 (Certificate of Registration GR-1700) and the proposed re-description:

Original Description of Place of Use		Proposed Re-Description of Place of Use	
Q-Q	Acres	Q-Q	Acres
NW NE	15.0	NW NE	10.6
NE NE	8.0	NE NE	12.4
Township 5 South, Range 3 West, Section 16			

7. Ground Water Registration Modification Application T-11800 proposes to modify the location of the original point of appropriation approximately 280 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	16	NW NE	56	795 FEET SOUTH AND 690 FEET EAST FROM THE N1/4 CORNER OF SECTION 16

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.

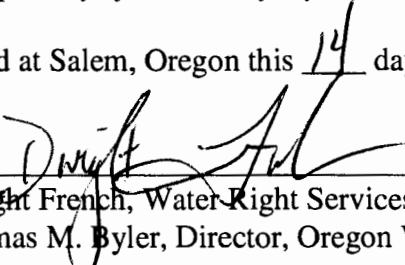
Determination and Proposed Action

The modification in point of appropriation proposed in Ground Water Registration Modification T-11800 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-11800 is approved, the final order will include the following:

1. *The modification to Registration Application GR-1753 (Certificate of Registration GR-1700) proposed in Ground Water Registration Modification Application T-11800 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-1753 (Certificate of Registration GR-1700) 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 14 day of October, 2014.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, 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.