



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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November 19, 2014

Delores Ann O'Brien Living Trust, UTD
3790 Hayden Bridge Rd
Springfield OR 97478

SUBJECT: Ground Water Registration Modification T-11796

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11796. 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-11796
Michael Mattick, District 2 Watermaster (*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-11796, Lane 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

DELORES ANN O'BRIEN LIVING TRUST, UTD
3790 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97478

Findings of Fact

1. On April 21, 2014, DELORES ANN O'BRIEN LIVING TRUST, UTD filed a ground water registration modification application to modify the place of use under Registration Application GR-4181 (Certificate of Registration GR-3832). The Department assigned the application number T-11796.
2. On October 7, 1963, Registration Application GR-4181 (Certificate of Registration GR-3832) was assigned from PAUL E. COLDIRON, sometimes spelled COLDVION in the file, to JAMES B. O'BRIEN.
3. On April 22, 2014, Registration Application GR-4181 (Certificate of Registration GR-3832) was assigned from JAMES B. O'BRIEN to DELORES ANN O'BRIEN LIVING TRUST, UTD.
4. 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.

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.

5. On October 1, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11796 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 3, 2014, for the applicant to respond.
6. 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.
7. The portion of the ground water registration to be modified is as follows:

Registration: Ground Water Registration Application GR-4181 (Certificate of Registration GR-3832), in the name of PAUL E. COLDIRON (assigned to DELORES ANN O'BRIEN LIVING TRUST, UTD)

Use: IRRIGATION of 6.14 ACRES

Tentative Priority Date: 1935

Quantity: 61 GALLONS PER MINUTE

Source: A WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	2 W	WM	19	SE NE	NORTH 25 DEGREES WEST 3040 FEET FROM THE SE CORNER OF SECTION 19

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	2 W	WM	19	NE NE	0.27
17 S	2 W	WM	19	NW NE	5.87
Total:					6.14

8. The applicant's CWRE has provided additional information more precisely describing the point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	2 W	WM	19	SE NE	NORTH 24 DEGREES 48 MINUTES 43 SECONDS WEST, 3045 FEET FROM THE SE CORNER OF SECTION 19

9. Ground Water Registration Modification Application T-11796 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	2 W	WM	19	SE NE	3.65
17 S	2 W	WM	19	NE SE	2.49
Total:					6.14

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

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

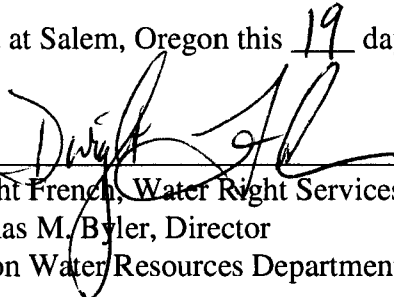
Determination and Proposed Action

The modification in place of use proposed in Ground Water Registration Modification T-11796 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-11796 is approved, the final order will include the following:

1. *The modification to Registration Application GR-4181 (Certificate of Registration GR-3832) proposed in Ground Water Registration Modification Application T-11796 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-4181 (Certificate of Registration GR-3832) 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 19 day of November, 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@ wrd.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.