



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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January 9, 2015

ROBINSON FARM LLC
PO BOX 100
AMITY, OR 97101

SUBJECT: Ground Water Registration Modification T-11854

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11854. 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 and in the McMinnville News-Register 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 or 503 986-0827 if I may be of assistance.

Sincerely,

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

cc: T-11854
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-11854, Yamhill County)	RECOGNITION OF A
)	MODIFICATION IN POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statute (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.

Oregon Administrative Rule (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

ROBINSON FARM LLC
PO BOX 100
AMITY, OR 97101

Findings of Fact

1. On June 27, 2014, ROBINSON FARM LLC filed a ground water registration modification application to modify the point of appropriation under Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930). The Department assigned the application number T-11854.
2. On June 27, 2014, Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930) was partially assigned from CHARLIE W. REED TO ROBINSON FARM LLC.
3. Notice of the application for ground water registration modification was published on July 8, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On December 2, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11854 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 5, 2015, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to

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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demonstrate that the applicant is authorized to pursue the Groundwater Registration Modification.

5. The portion of the ground water registration to be modified is as follows:

Registration: Groundwater Registration Application GR-2000 (Certificate of Registration GR-1930), in the name of Charlie W. Reed (assigned to ROBINSON FARM LLC) as modified by Special Order Vol. 92, page 375

Use: IRRIGATION of 45.7 ACRES
SUPPLEMENTAL IRRIGATION of 4.0 ACRES

Tentative

Priority Date: JULY 31, 1954

Quantity: 151.6 GALLONS PER MINUTE (GPM)

Source: A WELL within the SALT CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	4 W	WM	7	NE NE	43	SOUTH 57 DEGREES WEST, 1400 FEET FROM THE NE CORNER OF SECTION 7

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	4 W	WM	7	NE NE	3.0
5 S	4 W	WM	7	SW NE	2.0
5 S	4 W	WM	7	SE NE	24.7
5 S	4 W	WM	7	NE SE	14.0
5 S	4 W	WM	7	NW SE	2.0
Total:					45.7

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	7	SE NE	43	4.0

6. Ground Water Registration Modification Application T-11854 proposes to modify the point of appropriation approximately 0.4 mile from the recognized well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	4 W	WM	7	SE NE	43	WELL 2: 2400 FEET SOUTH AND 85 FEET WEST FROM THE NE CORNER OF SECTION 7

7. Ground Water Registration Modification Application T-11854 and the tax lot map further describe the place of use under the ground water registration as:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	7	NE NE		80	3.0
5 S	4 W	WM	7	SW NE		43	2.0
5 S	4 W	WM	7	SE NE	7		0.1

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	7	SE NE		80	2.7
5 S	4 W	WM	7	SE NE		43	21.9
5 S	4 W	WM	7	NE SE		43	14.0
5 S	4 W	WM	7	NW SE		43	2.0
Total:							45.7

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	7	SE NE	43	4.0

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 point of appropriation proposed in Ground Water Registration Modification T-11854 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-11854 is approved, the final order will include the following:

1. *The modification to Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930) proposed in Ground Water Registration Modification Application T-11854 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 Ground Water Registration Application GR-2000 (Certificate of Registration GR-1930) 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 recognized 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 6 day of January, 2015.



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@wrд.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.