



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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January 27, 2015

VIA E-MAIL

TERRY AND SHARRIE COPELAND
53924 FERNDAL ROAD
MILTON-FREEWATER OR 97862

SUBJECT: Ground Water Registration Modification T-11818

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11818. 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 East Oregonian 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 503-986-0886 or Patrick.K.Starnes@ wrd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: GR Modification application file T-11818
Greg Silbernagel, District 5 Watermaster (via e-mail)
John Warinner, CWRE #358 (via e-mail)

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**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-11818, Umatilla County)	RECOGNITION OF A MODIFICATION
)	OF A CHANGE IN PLACE OF USE
)	AND 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

TERRY AND SHARRIE COPELAND
53924 FERNDALE ROAD
MILTON-FREEWATER OR 97862

Findings of Fact

1. On May 20, 2014, TERRY AND SHARRIE COPELAND filed a ground water registration modification application to modify the place of use under a portion of Registration Application GR-3846 (Certificate of Registration GR-3503). The Department assigned the application number T-11818.
2. On May 27, 2014, Registration Application GR-3846 (Certificate of Registration GR-3503) was assigned from Paul A. Williams and Ray W. Williams to Terry and Sharrie Copeland.
3. Notice of the application for ground water registration modification was published on June 3, 2014, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On October 9, 2014, the Department sent out a letter requesting the applicant provide additional documentation supporting ownership of the proposed lands to modify. The Department also requested the applicant provide consent affidavits from those landowners identified as owners on a portion of the "From" lands. The letter also requested a revised map to better clarify the lands proposing to be modified.

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 November 4, 2014, the applicant submitted a "Consent by Deeded Landowner" form from Eugene and Le-Ellen Meyer, owners of property for Tax Lot 101. The amount of land is determined to be 1.0 acres. On December 19, 2014, the applicant submitted a revised map and application describing the amended lands to be modified.
6. On December 29, 2014, the Department mailed a copy of the Draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11818 to the applicant. The Draft Preliminary Determination cover letter set forth a deadline of January 28, 2015, for the applicant to respond.
7. On January 7, 2015, the Department received a request from the applicant to modify the measurement condition initially addressing the previous Groundwater Registration Modification application. Based on the amended application and revised map, the Department shall revise the measurement condition requiring a flow meter to "may require in the future" a measuring device if necessary. See revised Condition No. 6 below.
8. On January 7, 2015, 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 transfer.
9. The portion of the ground water registration to be modified is as follows:

Registration: Ground Water Registration Application GR-3846 (Certificate of Registration GR-3503), in the names of PAUL A. AND RAY W. WILLIAMS (assigned to TERRY AND SHARRIE COPELAND IRRIGATION OF 1.1 ACRES

Use:

Tentative

Priority Date: 1920

Quantity: 27.5 GALLONS PER MINUTE (GPM) FOR 1.1 ACRES, LIMITED TO A TOTAL DUTY AMOUNT OF 4.69 ACRE-FEET PER YEAR

Source: A WELL, within the WALLA WALLA RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	25	NE NW	624 FEET SOUTH AND 100 FEET WEST FROM THE N¼ CORNER OF SECTION 25

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
6 N	35 E	WM	25	NE NW	100	0.1
6 N	35 E	WM	25	NE NW	101	1.0

10. Ground Water Registration Modification Application T-11818 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
6 N	35 E	WM	24	SE SW	1300	1.1

11. The Ground Water Registration Modification Application T-11818 also proposes to modify the point of appropriation under the ground water registration approximately 1,900 feet north to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	24	SE SW	1290 FEET NORTH AND 410 FEET WEST FROM THE S¼ CORNER OF SECTION 24

12. The Department has determined that the new proposed well (UMAT 4469) will develop the same source of water as the authorized existing well (UMAT 4607).

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

13. The proposed modifications would not result in enlargement of the ground water registration.
14. The proposed modifications would not result in injury to other water rights.

Determination and Proposed Action

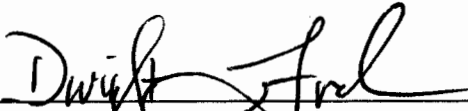
The modifications in place of use and point of appropriation proposed in Ground Water Registration Modification T-11818 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modifications will be approved.

If Ground Water Registration Modification T-11818 is approved, the final order will include the following:

- 1. The modifications to Registration Application GR-3846 (Certificate of Registration GR-3503) proposed in Ground Water Registration Modification Application T-11818 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-3846 (Certificate of Registration GR-3503) and any related decree.*
- 3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 4607).*
- 4. 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.*
- 5. 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.*

6. *The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each new point of appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*

Dated at Salem, Oregon this 26 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 Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@wrdd.state.or.us.

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.