



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

March 28, 2016

VIA E-MAIL

COUNTY OF JACKSON ROADS AND PARKS
200 ANTELOPE RD
WHITE CITY, OR 97503

SUBJECT: Water Right Transfer Application T-12197 & T-12198

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12197 & T-12198. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer 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 Medford MailTribune 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 503-986-0892 or Joan.M.Smith@ wrd.state.or.us if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: T-12197 & T-12198
Travis N. Kelly, District 13 Watermaster (via e-mail)

**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-12198, Jackson County)	RECOGNITION OF MODIFICATIONS
)	IN PLACE OF USE AND CHARACTER
)	OF USE

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

JACKSON COUNTY ROADS AND PARKS
200 ANTELOPE RD
WHITE CITY, OR 97503

Findings of Fact

1. On November 5, 2015, JACKSON COUNTY ROADS AND PARKS filed a ground water registration modification application to modify the place of use and use under Registration Application GR-491 (Certificate of Registration GR-472). The Department assigned the application number T-12198
2. On November 9, 2015, Registration Application GR-491 (Certificate of Registration GR-472) was partially assigned from A T. LATHROP to JACKSON COUNTY ROADS AND PARKS.
3. Notice of the application for ground water registration modification was published on NOVEMBER 17, 2015, 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.

4. On December 18, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12198 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 18, 2016, 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.
5. The portion of the ground water registration to be modified is as follows:

Registration: Application GR-491 (Certificate of Registration GR-472), in the name of A T. LATHROP (*partially assigned to Jackson County Roads and Parks*)

Use: IRRIGATION of 21 ACRES

Tentative

Priority Date: JULY 16, 1951

Quantity: 0.74 CUBIC FOOT PER SECOND

Source: A SUMP within the BEAR CREEK BASIN

Original Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	2 W	WM	34	SE SE	15 FEET NORTH AND 680 FEET WEST FROM THE SE CORNER OF SECTION 34
37 S	2 W	WM	3	NE NE	400 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 3

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	34	SE SE	3.0
36 S	2 W	WM	35	SW SW	0.4
37 S	2 W	WM	2	NW NW	11.6
37 S	2 W	WM	3	NE NE	6.0
Total					21.0

6. Ground Water Registration Modification Application T-12198 proposes to modify the place of use under the ground water registration to:

MUNICIPAL
WITHIN THE SERVICE BOUNDARIES OF JACKSON COUNTY

7. Ground Water Registration Modification Application T-12198 proposes to modify the character of use under the ground water registration to municipal.

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

8. The proposed modifications would not result in enlargement of the ground water registration.

9. The proposed modifications 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 modifications would not result in injury to other water rights.

Determination and Proposed Action

The modification in place of use and modification in character of use proposed in Ground Water Registration Modification T-12198 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 690-382-0900, the modification will be approved.

If Ground Water Registration Modification T-12198 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-491 (Certificate of Registration GR-472) proposed in Ground Water Registration Modification Application T-12198 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-491 (Certificate of Registration GR-472) and any related decree.*
3. *Water shall no longer be appropriated for the former character of use as part of this ground water certificate of registration.*
4. *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.*
5. *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 device at each point of appropriation at each new point of appropriation.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 11 day of April, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

*Protests should be addressed to the attention of Water Rights Division, Water Resources
Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266*

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@wrд.state.or.us

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12197

- In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed **prior to diversion of water**, as a condition of this transfer:
 - at each point of diversion/appropriation (new and existing) **or**
 - at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Travis Kelly

District: 13

Address: 10 South Oakdale Ave. Room 309

City/State/Zip: Medford/OR/97501

Phone: 541-774-6880

Email: travis.n.kelly@wrd.state.or.us

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device **T-12197**
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Other: _____