



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 14, 2016

CITY OF JUNCTION CITY  
ATTN: GARY KAPING  
PO BOX 250  
JUNCTION CITY, OR 97448

SUBJECT: Ground Water Registration Modification T-12126

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12126. 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@wrд.state.or.us](mailto:Tracy.L.Fox@wrд.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: GR Modification T-12126  
Michael Mattick, District 2 Watermaster (*via e-mail*)

enclosure



**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-12126, Lane County	)	RECOGNITION OF A MODIFICATION
	)	IN POINT OF APPROPRIATION AND
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (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 Rules (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**

CITY OF JUNCTION CITY  
ATTN: GARY KAPING  
PO BOX 250  
JUNCTION CITY, OR 97448

**Findings of Fact**

1. On August 4, 2015, the CITY OF JUNCTION CITY filed a ground water registration modification application to modify the point of appropriation and place of use under Registration Application GR-4122 (Certificate of Registration GR-3978). The Department assigned the application number T-12126.
2. Notice of the application for ground water registration modification was published on August 11, 2015, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On April 4, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12126 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 4, 2016, for the applicant to respond. The applicant requested that the Department proceed

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.

**NOTICE TO ACTIVE DUTY SERVICEMEMBERS:** Active duty service members have a right to stay these proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the Groundwater Registration Modification.

4. The ground water registration to be modified is as follows:

**Registration:** Application GR-4122 (Certificate of Registration GR-3978), in the name of CITY OF JUNCTION CITY  
**Use:** MUNICIPAL USES  
**Tentative**  
**Priority Date:** 1938  
**Quantity:** 160 GALLONS PER MINUTE  
**Source:** PUMP WELL 1

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	4 W	WM	32	NE SW	1950 FEET NORTH AND 1800 FEET EAST FROM THE SW CORNER OF SECTION 32

**Original Place of Use:**

Twp	Rng	Mer	Sec	Q-Q
15 S	4 W	WM	32	SW NE
15 S	4 W	WM	32	SE NW
15 S	4 W	WM	32	NE SW
15 S	4 W	WM	32	SE SW
15 S	4 W	WM	32	NW SE
15 S	4 W	WM	32	SW SE

5. Ground Water Registration Modification Application T-12126 proposes to modify the location of the original point of appropriation Northeast approximately 1100 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	4 W	WM	32	SE NW	11TH & ELM WELL: 3140 FEET NORTH AND 2930 FEET WEST FROM THE SE CORNER OF SECTION 32

6. Ground Water Registration Modification Application T-12126 proposes to modify the place of use under the ground water registration to:

Twp	Rng	Mer	Sec	Q-Q
15 S	4 W	WM	29	SW SW
15 S	4 W	WM	29	SE SW
15 S	4 W	WM	30	SW SE
15 S	4 W	WM	30	SE SE
15 S	4 W	WM	31	NE NE
15 S	4 W	WM	31	NW NE
15 S	4 W	WM	31	SW NE
15 S	4 W	WM	31	SE NE
15 S	4 W	WM	31	NE NW
15 S	4 W	WM	31	NW NW
15 S	4 W	WM	31	SW NW
15 S	4 W	WM	31	SE NW

Twp	Rng	Mer	Sec	Q-Q
15 S	4 W	WM	31	NE SW
15 S	4 W	WM	31	NW SW
15 S	4 W	WM	31	SW SW
15 S	4 W	WM	31	SE SW
15 S	4 W	WM	31	NE SE
15 S	4 W	WM	31	NW SE
15 S	4 W	WM	31	SW SE
15 S	4 W	WM	31	SE SE
15 S	4 W	WM	32	SW NE
15 S	4 W	WM	32	NE NW
15 S	4 W	WM	32	NW NW
15 S	4 W	WM	32	SW NW
15 S	4 W	WM	32	SE NW
15 S	4 W	WM	32	NE SW
15 S	4 W	WM	32	NW SW
15 S	4 W	WM	32	SW SW
15 S	4 W	WM	32	SE SW
15 S	4 W	WM	32	NW SE
15 S	4 W	WM	32	SW SE
15 S	4 W	WM	32	SE SE
15 S	5 W	WM	36	NE NE
15 S	5 W	WM	36	NW NE
15 S	5 W	WM	36	SW NE
15 S	5 W	WM	36	SE NE
15 S	5 W	WM	36	NE SE
15 S	5 W	WM	36	NW SE
15 S	5 W	WM	36	SW SE
15 S	5 W	WM	36	SE SE
16 S	4 W	WM	5	NW NE
16 S	4 W	WM	5	SW NE
16 S	4 W	WM	5	NE NW
16 S	4 W	WM	5	NW NW
16 S	4 W	WM	5	SW NW
16 S	4 W	WM	5	SE NW
16 S	4 W	WM	5	NE SW
16 S	4 W	WM	5	NW SW
16 S	4 W	WM	5	SW SW
16 S	4 W	WM	5	SE SW
16 S	4 W	WM	5	NW SE
16 S	4 W	WM	6	NE NE
16 S	4 W	WM	6	NW NE
16 S	4 W	WM	6	SE NE
16 S	4 W	WM	8	NE NW
16 S	4 W	WM	8	NW NW
16 S	4 W	WM	8	SE NW
16 S	4 W	WM	8	NE SW
16 S	4 W	WM	8	SE SW
16 S	4 W	WM	17	SW NE
16 S	4 W	WM	17	NE NW
16 S	4 W	WM	17	SE NW
16 S	4 W	WM	17	NE SW
16 S	4 W	WM	17	SE SW

Twp	Rng	Mer	Sec	Q-Q
16 S	4 W	WM	17	NW SE
16 S	4 W	WM	17	SW SE
16 S	4 W	WM	20	NE NE
16 S	4 W	WM	20	NW NE
16 S	4 W	WM	20	SW NE
16 S	4 W	WM	20	SE NE
16 S	4 W	WM	20	NE NW
16 S	4 W	WM	20	SE NW
16 S	4 W	WM	20	NE SW
16 S	4 W	WM	20	SE SW
16 S	4 W	WM	20	NE SE
16 S	4 W	WM	20	NW SE
16 S	4 W	WM	20	SW SE
16 S	4 W	WM	20	SE SE
16 S	4 W	WM	21	SW SW
16 S	4 W	WM	29	NE NE
16 S	4 W	WM	29	NW NE
16 S	4 W	WM	29	SW NE
16 S	4 W	WM	29	SE NE
16 S	4 W	WM	29	NE NW
16 S	4 W	WM	29	SE NW

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

7. The proposed modifications would not result in enlargement of the ground water registration.
8. 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.
9. The proposed modifications would not result in injury to other water rights.

**Determination and Proposed Action**

The modification in point of appropriation and modification in place of use proposed in Ground Water Registration Modification T-12126 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 modification will be approved.

*If Ground Water Registration Modification T-12126 is approved, the final order will include the following:*

1. *The modifications to Registration Application GR-4122 (Certificate of Registration GR-3978) proposed in Ground Water Registration Modification Application T-12126 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-4122 (Certificate of Registration GR-3978) 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.*
6. *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.*
7. *Static Water Level Conditions*

*The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.*

*The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.*

*All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:*

- A. *Associate each measurement with an owner's well name or number and a Department well log ID; and*
- B. *Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and*
- C. *Specify the method of measurement; and*
- D. *Certify the accuracy of all measurements and calculations reported to the Department.*

*The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:*

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or*
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or*
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or*
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.*

*The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.*

8. *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.*
- b. The water user shall maintain the meter or measuring device in good working order.*
- c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 13 day of April, 2016.

  
\_\_\_\_\_  
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@wrdd.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