

**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-12541, Marion County)	RECOGNITION OF A MODIFICATION
)	OF ADDITIONAL POINTS OF
)	APPROPRIATION

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

RD FARMS INC.
C/O STEVE DAVIDSON
4608 DAVIDSON RD NE
ST PAUL, OR 97137

Findings of Fact

1. On December 20, 2016, RD FARMS INC. C/O STEVE DAVIDSON filed a ground water registration modification application for additional points of appropriation under Registration Application GR-2172 (Certificate of Registration GR-2081). The Department assigned the application number T-12541.
2. On August 2, 1968, Registration Application GR-2172 (Certificate of Registration GR-2081) was assigned from P.M. Spirup to Raymond T. Davidson.
3. On December 20, 2016, Registration Application GR-2172 (Certificate of Registration GR-2081) was assigned from Raymond T. Davidson to RD Farms Inc. c/o Steve Davidson.

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. Notice of the application for ground water registration modification was published on December 27, 2016, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. On April 4, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12541 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 7, 2018, 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 transfer.
6. The ground water registration to be modified is as follows:

Registration: APPLICATION GR-2172 (CERTIFICATE of REGISTRATION GR-2081),
in the name of RAYMOND T. DAVIDSON (*assigned to RD FARMS INC.
C/O STEVE DAVIDSON*)

Use: IRRIGATION of 119 ACRES

Tentative

Priority Date: FEBRUARY 1955

Quantity: 300 GALLONS PER MINUTE (GPM)

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	30	NE SE	2100 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 30

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	2 W	WM	29	SW NW	18.0
4 S	2 W	WM	29	NW SW	20.0
4 S	2 W	WM	29	SW SW	20.0
4 S	2 W	WM	30	SE NE	15.0
4 S	2 W	WM	30	NE SE	15.0
4 S	2 W	WM	30	SE SE	15.0
4 S	2 W	WM	31	NE NE	9.0
4 S	2 W	WM	32	NW NW	7.0
Total					119.0

7. Ground Water Registration Modification Application T-12541 proposes additional points of appropriation, located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original well location measured in feet (ft)
4 S	2 W	WM	30	NE SE	80	WELL 4 - 1565 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 30	570.4 ft

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original well location measured in feet (ft)
4 S	2 W	WM	32	NW NW	80	WELL 3 - 425 FEET SOUTH AND 180 FEET EAST FROM THE NW CORNER OF SECTION 32	2553.0 ft

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 additional points of appropriation proposed in Ground Water Registration Modification T-12541 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-12541 is approved, the final order will include the following:

1. *The modification to Registration Application GR-2172 (Certificate of Registration GR-2081) proposed in Ground Water Registration Modification Application T-12541 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-2172 (Certificate of Registration GR-2081) and any related decree.*
3. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

4. *The quantity of water diverted at the proposed additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*

Dated at Salem, Oregon this MAY 02 2018 .



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

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

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act, 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>