

**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-12455, Benton County)	RECOGNITION OF A MODIFICATION
)	IN POINT 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

PFS FINANCIAL, INC.
LARRY VENELL, PRESIDENT
30742 VENELL PLACE
CORVALLIS, OR 97333

Findings of Fact

1. On August 1, 2016, PFS FINANCIAL, INC., LARRY VENELL, PRESIDENT filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1708 (Certificate of Registration GR-1657). The Department assigned the application number T-12455
2. On June 28, 2016, Registration Application GR-1708 (Certificate of Registration GR-1657) was partially assigned from Wayne Riley to Larry Venell, President of PFS Financial Inc.
3. Notice of the application for ground water registration modification was published on August 16, 2016, 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 May 16, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12455 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 18, 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

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

Registration: APPLICATION GR-1708 (CERTIFICATE OF REGISTRATION GR-1657), in the name of WAYNE RILEY (*partially assigned to* LARRY VENELL, PRESIDENT of PFS FINANCIAL, INC.)

Use: IRRIGATION OF 45.0 ACRES

Tentative

Priority Date: 1948

Quantity: 225 GALLONS PER MINUTE (GPM); 250 ACRE-FEET PER YEAR (AF)

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	5 W	WM	27	SE SW	525 FEET NORTH AND 220 FEET WEST FROM THE S1/4 CORNER OF SECTION 27

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	5 W	WM	27	SE SW	8.5
13 S	5 W	WM	27	SW SE	0.5
13 S	5 W	WM	34	NE NW	23.5
13 S	5 W	WM	34	SE NW	12.5
Total					45.0

6. Ground Water Registration Modification Application T-12455 proposes to modify the location of the original point of appropriation approximately 9.8 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	5 W	WM	27	SE SW	WELL 2 - 515 FEET NORTH AND 220 FEET WEST FROM THE S1/4 CORNER OF SECTION 27

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

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

9. 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-12455 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-12455 is approved, the final order will include the following:

- 1. The modification to Registration Application GR-1708 (Certificate of Registration GR-1657) proposed in Ground Water Registration Modification Application T-12455 is 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-1708 (Certificate of Registration GR-1657) 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.*

Dated at Salem, Oregon this JUN 08 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>