

**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-12775, Marion County)	RECOGNITION OF ADDITIONAL
)	POINTS OF APPROPRIATION AND A
)	MODIFICATION IN 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

AURORA PROPERTIES LLC
C/O MIKE IVERSON
13490 CEDARWOOD RD NE
AURORA, OR 97002

Findings of Fact

1. On November 22, 2017, AURORA PROPERTIES LLC, C/O MIKE IVERSON, filed a ground water registration modification application for additional points of appropriation and to modify the place of use under Registration Application GR-2004 (Certificate of Registration GR-1934). The Department assigned the application number T-12775.
2. On November 22, 2017, Registration Application GR-2004 (Certificate of Registration GR-1934) was partially assigned from Eugene C. Cole to Roger Wayne Van Lieu.
3. Notice of the application for ground water registration modification was published on December 5, 2017, 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 9, 2018, the Department contacted the applicant's agent by email regarding the application map submitted. An additional proposed well 2 was mapped, however, in table 1 of the application, the proposed well 2 was not listed.
5. On May 10, 2018, the Department received an amended table 1 and 2 from the applicant's agent, clarifying the discrepancy by including the proposed well 2 on table 1 and 2 of the application.
6. On July 6, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12775 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 6, 2018, for the applicant to respond.
7. On July 16, 2018, the Department contacted the applicant's agent regarding the signature on the affidavit of consent to transfer by deeded landowner form submitted with the application on November 22, 2017 and the report of ownership submitted on July 13, 2018.
8. On August 10, 2018, the Department received an affidavit to consent by deeded landowner form in the name of Barbara Elaine Van Lieu. 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: Application GR-2004 (Certificate of Registration GR-1934), in the name of EUGENE C. COLE (*partially assigned to* ROGER WAYNE VAN LIEU)

Use: IRRIGATION of 15.0 ACRES

Tentative

Priority Date: NOVEMBER 10, 1952

Quantity: 0.23 CUBIC FOOT PER SECOND AND 35.9 ACRE-FEET PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	14	NW NE	100 FEET SOUTH AND 780 FEET EAST FROM THE N1/4 CORNER OF SECTION 14

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	14	NW NE	10.30
4 S	1 W	WM	14	SW NE	2.83
4 S	1 W	WM	14	NE NW	0.34
4 S	1 W	WM	14	SE NW	1.53
TOTAL					15.00

10. Ground Water Registration Modification Application T-12775 proposes additional points of appropriation located approximate distances as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distances from original well location measured in feet (ft)
4 S	1 W	WM	11	SW NW	WELL 1 - 695 FEET NORTH AND 170 FEET EAST FROM THE W1/4 CORNER OF SECTION 11	4,600 ft
4 S	1 W	WM	11	NW SW	WELL 2 - 250 FEET SOUTH AND 30 FEET EAST FROM THE W1/4 CORNER OF SECTION 11	4,000 ft

11. Ground Water Registration Modification Application T-12775 proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	11	SW NW	9.5
4 S	1 W	WM	11	NW SW	5.5
TOTAL					15.0

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

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

Determination and Proposed Action

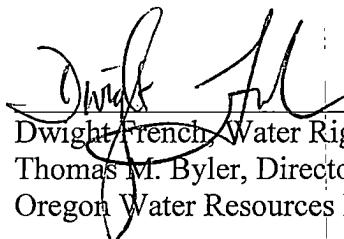
The additional points of appropriation and a modification in the place of use proposed in Ground Water Registration Modification T-12775 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved.

If Ground Water Registration Modification T-12775 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-2004 (Certificate of Registration GR-1934) proposed in Ground Water Registration Modification Application T-12775 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-2004 (Certificate of Registration GR-1934) 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 new 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.*
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 (new and existing).*
 - 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 meter(s) or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
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.*

Dated at Salem, Oregon, AUG 30 2018 .


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

This Preliminary Determination was prepared by Jessica Joye. If you have questions about the information in this document, you may reach Corey Courchane 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>



Oregon
Kate Brown, Governor

Water Resources Department

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August 30, 2018

AURORA PROPERTIES LLC
C/O MIKE IVERSON
13490 CEDARWOOD RD NE
AURORA, OR 97002

SUBJECT: Water Right Transfer Application T-12775

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12775. 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 Canby Herald 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 corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application T-12775
Joel M. Plahn, District 16 Watermaster (via e-mail)
Doann Hamilton, Agent for the applicant (via e-mail)