

**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-12893, Wasco County)	RECOGNITION OF AN ADDITIONAL
)	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

CITY OF THE DALLES
ATTN DAVE ANDERSON
1215 W 1ST STREET
THE DALLES OR 97058

Agent

GSI WATER SOLUTIONS
ATTN TED RESSLER
55 SW YAMHILL ST SUITE 300
PORTLAND OR 97204

Findings of Fact

1. On April 9, 2018, CITY OF THE DALLES filed a ground water registration modification application for an additional point of appropriation under Registration Application GR-4258 (Certificate of Registration GR-4107). The Department assigned the application number T-12893.
2. The Dalles City Water Commission began construction of a well in the early 1920's to deliver municipal water in Dalles City thereabouts. The Groundwater Registration Statement was issued in the name Dalles City, a municipal corporation of the State of Oregon. Renamed in the 1940's, the City of The Dalles is the same municipal entity {ORS 540.510 (3)(b)} as originally filed on and no assignment is needed to satisfy OAR 690-382-0300.
3. Notice of the application for ground water registration modification was published on April 17, 2018, 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 27, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12893 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 26, 2019, for the applicant to respond. On January 3, 2019, the agent for 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 -4258 (Certificate of Registration GR-4107), in the name of Dalles City, a municipal corporation of the State of Oregon (now City of The Dalles) and as previously approved by Ground Water Registration Modification under Application T-10865

Use: MUNICIPAL, DOMESTIC, IRRIGATION, MANUFACTURING AND INDUSTRIAL

Tentative

Priority Date: October 11, 1923

Quantity: 2300 GALLONS PER MINUTE

Source: THREE WELLS within the COLUMBIA RIVER BASIN

Original Place of Use:

MUNICIPAL, DOMESTIC, IRRIGATION, MANUFACTURING AND INDUSTRIAL
THE CITY OF THE DALLES, CITY SERVICE AREA

6. Previously approved Ground Water Registration Modification under Application T-10865 recognized the modification of the ground water registration by eliminating the use of the old City Hall well and replaced it with three new points of appropriation (wells), being the Lone Pine Well, Jordan Well and the Marks Well, located as follows:

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	13 E	WM	1	NE NW	LONE PINE WELL - 12 FEET SOUTH AND 218 FEET WEST FROM THE N¼ CORNER OF SECTION 1
1 N	13 E	WM	4	SE NW	JORDAN WELL - 2170 FEET SOUTH AND 2280 FEET EAST FROM THE NW CORNER OF SECTION 4
1 N	13 E	WM	4	SE SW	MARKS WELL - 720 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 4

7. Ground Water Registration Modification Application T-12893 proposes to modify the point of appropriation under the ground water registration for an additional point of appropriation (well) located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from authorized wells (miles)		
						Lone Pine Well	Jordan Street Well	Marks Well
1N	13E	WM	4	SE SW	ASR 1 - 293 FEET NORTH AND 1676 FEET EAST FROM THE SW CORNER OF SECTION 4	3.02	0.56	0.09

8. The Department has determined that based on the proposed construction of the additional well ASR 1 will develop the same source of water as the authorized existing Lone Pine Well (WASC 2385), Jordan Street Well (WASC 2428), and the Marks Well (WASC 2431).

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

9. The proposed modification would not result in enlargement of the ground water registration.
10. 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.
11. The proposed modification would not result in injury to other water rights.

Determination and Proposed Action

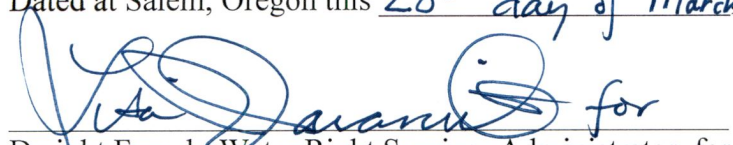
The modification in additional point of appropriation proposed in Ground Water Registration Modification T-12893 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved.

If Ground Water Registration Modification T-12893 is approved, the final order will include the following:

1. *The modification to Registration Application GR-4258 (Certificate of Registration GR-4107) proposed in Ground Water Registration Modification Application T-12893 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-4258 (Certificate of Registration GR-4107) and any related decree.*

3. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
4. *The quantity of water diverted at the new additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points 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 diversion (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 meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 28th day of March, 2019.


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

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@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>