

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Ground Water
Registration Modification Application
T-12991, Tillamook County

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REVISED
PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF
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

JENCK FARMS LLC
C/O JOE JENCK
745 THIRD STREET
TILLAMOOK, OR 97141

Findings of Fact

1. On July 30, 2018, JENCK FARMS LLC, C/O JOE JENCK filed a ground water registration modification application to modify the point of appropriation and place of use under Registration Application GR-3593 (Certificate of Registration GR-3299). The Department assigned the application number T-12991
2. On July 30, 2018, Registration Application GR-3593 (Certificate of Registration GR-3299) was assigned from ALFRED H. MAROLF to RON and CLAUDIA MAROLF.
3. Notice of the application for ground water registration modification was published on August 7, 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 October 2, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12991 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 1, 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. On November 21, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12991 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 27, 2018, and in the Tillamook Headlight Herald newspaper on November 28, and December 5, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. On March 26, 2019, the applicant's agent submitted a revised map, reconfiguring the location of the proposed "TO" lands.
7. The ground water registration to be modified is as follows:

Registration: Application GR-3593 (Certificate of Registration GR-3299), in the name of ALFRED H. MAROLF (*assigned to* RON and CLAUDIA MAROLF)

Use: IRRIGATION of 37.8 ACRES

Tentative

Priority Date: OCTOBER 1954

Quantity: 208 GALLONS PER MINUTE

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	10 W	WM	25	SW NW	240 FEET SOUTH AND 490 FEET EAST FROM THE SW CORNER OF THE NWNW OF SECTION 25

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	10 W	WM	25	NW NW	13.6
1 S	10 W	WM	25	SW NW	24.2
Total					37.8

8. Ground Water Registration Modification Application T-12991 proposes to modify the location of the original point of appropriation approximately 0.3 miles from the original well to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 W	WM	25	NW SW	9	320 FEET SOUTH AND 1075 FEET EAST FROM THE W1/4 CORNER OF SECTION 25

9. Ground Water Registration Modification Application T-12991 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	10 W	WM	25	NE SW	9	2.5
1 S	10 W	WM	25	NW SW	9	11.6
1 S	10 W	WM	26	NE SE	12	10.5
1 S	10 W	WM	26	NW SE	12	4.5
1 S	10 W	WM	26	NW SE		0.7
1 S	10 W	WM	26	SE SE	13	8.0
Total						37.8

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

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

Determination and Proposed Action

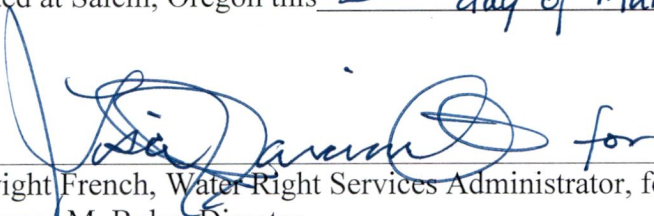
The modifications in point of appropriation and place of use proposed in Ground Water Registration Modification T-12991 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modifications will be approved.

If Ground Water Registration Modification T-12991 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-3593 (Certificate of Registration GR-3299) proposed in Ground Water Registration Modification Application T-12991 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-3593 (Certificate of Registration GR-3299) 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. *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 new point of appropriation.*
 - 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 revised 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>