

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

In the Matter of Groundwater
Registration Modification Application
T-12891, Yamhill County

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R E V I S E D
PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF
RECOGNITION OF 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 groundwater 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 groundwater registration modification applications.

Applicant

KATHLEEN STOCKS
PO BOX 291
MCMINNVILLE, OR 97128

Findings of Fact

1. On March 27, 2018, KATHLEEN STOCKS filed a groundwater registration modification application to modify the point of appropriation under Registration Application GR-2000 (Certificate of Registration GR-1930). The Department assigned the application number T-12891.
2. On May 9, 2014, Registration Application GR-2000 (Certificate of Registration GR-1930) was partially diminished to supplemental irrigation by Special Order Volume 92, page 375, approving Transfer Application T-11605.
3. On February 25, 2015, Groundwater Modification Application T-11854 was approved and recorded at Special Order Volume 95, page 127 recognizing a modification in point of appropriation.

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 August 14, 2015, Registration Application GR-2000 (Certificate of Registration GR-1930) was partially diminished to supplemental irrigation under Special Order Volume 109, page 98, approving Transfer Application T-12561.
5. On April 10, 2018, Registration Application GR-2000 (Certificate of Registration GR-1930) was partially assigned from ROBINSON NURSERY INC. to ROBINSON NURSERY INC. and KATHLEEN M. STOCKS.
6. Notice of the application for groundwater registration modification was published on April 17, 2018, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
7. On October 18, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12891 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 17, 2019 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 Groundwater Registration Modification.
8. On January 8, 2020, the portion of Registration Application GR-2000 (Certificate of Registration GR-1930) in the name of KATHLEEN M. STOCKS was assigned from KATHLEEN M. STOCKS to MARK R. STOCKS.
9. On February 11, 2020, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-12891 and sent a copy to the applicant.
10. On February 12, 2020, it was discovered that the Preliminary Determination contained two scrivener's errors. Well 2 was incorrectly included as a source being modified and condition number 4 incorrectly identified the water diverted as an additional point of appropriation.

11. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-2000 (Certificate of Registration GR-1930), in the name of ROBINSON NURSERY INC. *partially assigned to MARK R. STOCKS*
Use: IRRIGATION of 5.8 ACRES
Tentative
Priority Date: JULY 31, 1954
Quantity: 17.7 GALLONS PER MINUTE
Source: WELL 1 within the SALT CREEK BASIN

Original Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	4 W	WM	7	NE NE	WELL 1 - SOUTH 57 DEGREES WEST 1400 FEET FROM THE NE CORNER OF SECTION 7

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	4 W	WM	7	NE NE	8	3.0
5 S	4 W	WM	7	SE NE	7	2.8
Total						5.8

12. Groundwater Registration Modification Application T-12891 proposes to modify the point of appropriation approximately 0.1 mile from the original point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	4 W	WM	7	NE NE	7	STOCKS WELL 2 - 1270 FEET SOUTH AND 1075 FEET WEST FROM THE NE CORNER OF SECTION 7

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

13. The proposed modification would not result in enlargement of the groundwater registration.
14. 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.
15. The proposed modification would not result in injury to other water rights.

Determination and Proposed Action

The modification in point of appropriation proposed in Groundwater Registration Modification T-12891 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 Groundwater Registration Modification T-12891 is approved, the final order will include the following:

1. *The modification to Registration Application GR-2000 (Certificate of Registration GR-1930) proposed in Groundwater Registration Modification Application T-12891 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater 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-2000 (Certificate of Registration GR-1930) 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 point of appropriation (Stocks Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point (Well 1) of appropriation.*

Dated in Salem, Oregon on FEB 27 2020


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@oregon.gov or 503-986-0890.

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 servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.