

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

In the Matter of Groundwater)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING APPROVAL OF
T-13197, Linn County)	RECOGNITION OF A MODIFICATION
)	IN THE 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

MAYFIELD FARMS LLC
C/O CHUCK EGGERT
18555 SW TETON AVE
TUALATIN, OR 97062

Findings of Fact

1. On May 31, 2019, Mayfield Farms LLC., C/O Chuck Eggert, filed a groundwater registration modification application to modify the point of appropriation under Registration Application GR-1732 (Certificate of Registration GR-1680). The Department assigned the application number T-13197.
2. On June 11, 2019, Registration Application GR-1732 (Certificate of Registration GR-1680) was partially assigned by proof of ownership from Ed Messman to Mayfield Farms LLC., c/o Chuck Eggert.
3. Notice of the application for groundwater registration modification was published on June 11, 2019, 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 February 10, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13197 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2020, 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.

5. The groundwater registration to be modified is as follows:

Registration: Application GR-1732 (Certificate of Registration GR-1680), in the name of ED MESSMAN (*partially assigned to Mayfield Farms LLC., c/o Chuck Eggert*)

Use: IRRIGATION of 14.1 ACRES

Tentative

Priority Date: OCTOBER 1954

Quantity: 250 GALLONS PER MINUTE AND 35.25 ACRE FEET PER YEAR

Source: PUMP WELL NO 1

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	3 W	WM	18	NW SE	PUMP WELL NO 1 - NORTH 5 DEGREES 30 MINUTES EAST 29.5 CHAINS FROM THE SW CORNER OF THE SE1/4 OF SECTION 18

Original Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	3 W	WM	18	NE SW	0.6
10 S	3 W	WM	18	NW SE	13.5
Total					14.1

6. Groundwater Registration Modification Application T-13197 proposes to modify the location of the original point of appropriation approximately between 3300 and 850 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in feet from the original well
10 S	3 W	WM	18	NW NE	WELL 5- 1320 FEET SOUTH AND 2420 FEET WEST FROM THE NE CORNER OF SECTION 18	850 feet
10 S	3 W	WM	18	SW NE	WELL 1- 2550 FEET SOUTH AND 1440 FEET WEST FROM THE NE CORNER OF SECTION 18	2030 feet
10 S	3 W	WM	18	SW NE	WELL 2- 2345 FEET SOUTH AND 1530 FEET WEST FROM THE NE CORNER OF SECTION 18	1780 feet
10 S	3 W	WM	18	NW SE	WELL 3- 1980 FEET NORTH AND 2485 FEET WEST FROM THE SE CORNER OF SECTION 18	2800 feet

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in feet from the original well
10 S	3 W	WM	18	NW SE	WELL 4- 1375 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 18	3300 feet

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

7. The proposed modification would not result in enlargement of the groundwater 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 Groundwater Registration Modification T-13197 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-13197 is approved, the final order will include the following:

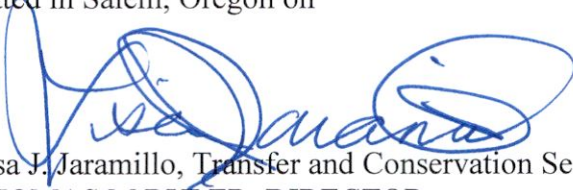
1. *The modification to Registration Application GR-1732 (Certificate of Registration GR-1680) proposed in Groundwater Registration Modification Application T-13197 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater under 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-1732 (Certificate of Registration GR-1680) 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 groundwater certificate of registration.*
5. *The quantity of water diverted at the new points of appropriation (Wells 1, 2, 3, 4, and 5), together with that diverted at the original point of appropriation (Pump Well No. 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well No. 1).*

6. *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 diversion.*
- 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 in Salem, Oregon on

OCT 08 2020



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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.SMITH@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 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.



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 8, 2020

VIA E-MAIL

MAYFIELD FARMS LLC C/O CHARLES W EGGERT
18555 SW TETON AVE
TUALATIN, OR 97062

SUBJECT: Water Right Transfer Application T-13197

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13197. 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 Albany Democrat 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 503-986-0892 or Joan.M.Smith@ wrd.state.or.us if I may be of assistance.

Sincerely,


for Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: T-13197
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)
Doann Hamilton, Agent for the applicant (*via e-mail*)

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