



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 9, 2022

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

OREGON STATE UNIVERSITY  
COLLEGE OF AGRICULTURAL SCIENCES  
C/O CARRIE BURKHOLDER  
448 STRAND AGRICULTURE HALL  
CORVALLIS, OR 97331

SUBJECT: Water Right Transfer Application T-13558

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13558. 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 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 Department's notice.

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.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please contact me at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: GR Modification T-13558  
Lanaya F. Blakely, District 2 Watermaster (via e-mail)  
Doann Hamilton, agent for the applicant (via e-mail)

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

In the Matter of Groundwater	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING APPROVAL OF
T-13558, Linn County	)	RECOGNITION OF A 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**

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**Findings of Fact**

1. On November 16, 2020, OREGON STATE UNIVERSITY COLLEGE OF AGRICULTURAL SCIENCES C/O CARRIE BURKHOLDER filed a groundwater registration modification application to modify the point of appropriation under Registration Application GR-2993 (Certificate of Registration GR-2802). The Department assigned the application number T-13558
2. Notice of the application for groundwater registration modification was published on December 22, 2020, 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.
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3. On October 5, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13558 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 4, 2021, 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.

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

**Registration:** Registration Application GR-2993 (Certificate of Registration GR-2802), in the name of OREGON STATE COLLEGE

**Use:** IRRIGATION of 26.3 ACRES

**Tentative**

**Priority Date:** PRIOR TO 1939

**Quantity:** 180 GALLONS PER MINUTE

**Source:** PUMP WELL 2 within the OWL CREEK BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	4 W	WM	6	NE SE	1815 FEET SOUTH AND 1537 FEET WEST OF JAMES ROBINETTE DLC 52

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	6	SW NE	8.0
12 S	4 W	WM	6	SE NE	5.0
12 S	4 W	WM	6	NE SE	13.3

5. Groundwater Registration Modification Application T-13558 proposes to modify the location of the recognized point of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from the Original well in Feet (ft.)
12 S	4 W	WM	6	NW SE	52	WELL 1 - 1395 FEET SOUTH AND 1990 FEET WEST FROM THE NE CORNER OF DLC 52	550 ft.
12 S	4 W	WM	6	NE SE	52	WELL 2 - 1655 FEET SOUTH AND 1525 FEET WEST FROM THE NE CORNER OF DLC 52	150 ft.
12 S	4 W	WM	6	SW SE	52	WELL 3 - 1065 FEET NORTH AND 1730 FEET WEST FROM THE SE CORNER OF SECTION 6	850 ft.
12 S	4 W	WM	6	SW SE	52	WELL 4 - 1215 FEET NORTH AND 1870 FEET WEST FROM THE SE CORNER OF SECTION 6	880 ft.

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

6. The proposed modification would not result in enlargement of the groundwater registration.
7. 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.
8. 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-13558 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-13558 is approved, the final order will include the following:*

1. *The modification Registration Application GR-2993 (Certificate of Registration GR-2802) proposed in Groundwater Registration Modification Application T-13558 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-2993 (Certificate of Registration GR-2802) 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 (original Well 2) of appropriation as part of this groundwater certificate of registration.*
5. *The quantity of water diverted at the new points of appropriation, (Well 1, Well 2, Well 3, and Well 4) shall not exceed the quantity of water lawfully available at the original point of appropriation (original Well 2).*

6. *Water use measurement conditions:*

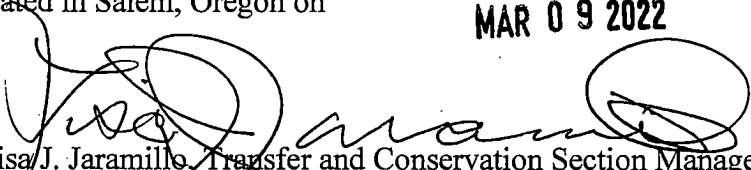
a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*

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 in Salem, Oregon on

MAR 09 2022

  
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](mailto: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.*

**IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.**

**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.