



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

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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-13560

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13560. 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 or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: GR Modification T-13560
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-13560, Linn County)	RECOGNITION OF A MODIFICATION
)	IN POINT OF APPROPRIATION AND
)	PLACE OF USE AND PARTIAL
)	CANCELLATION OF GROUND
)	WATER REGISTRATION

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

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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-2995 (Certificate of Registration GR-2804). The Department assigned the application number T-13560.

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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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.
3. On October 5, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13560 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 transfer.
4. The portion of the groundwater registration to be modified is as follows:

Registration: Registration Application GR-2995 (Certificate of Registration GR-2804), in the name of OREGON STATE COLLEGE
Use: IRRIGATION OF 46.45 ACRES
Tentative
Priority Date: DECEMBER 8, 1952
Quantity: 278.7 GALLONS PER MINUTE
Source: PUMP WELL within the OWL CREEK BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	4 W	WM	6	NW SE	PUMP WELL - 2260 FEET SOUTH AND 1254 FEET WEST FROM THE NE CORNER OF JAMES ROBINETTE DLC 52

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	6	NW SE	12.14
12 S	4 W	WM	6	SW SE	19.01
12 S	4 W	WM	6	SE SE	13.30
12 S	4 W	WM	7	NE NE	1.70
12 S	4 W	WM	7	NW NE	0.30
Total					46.45

5. The Department received information from the applicant that better describes the location of the authorized point of appropriation for Groundwater Registration Modification GR-2995 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	4 W	WM	6	NW SE	2260 FEET SOUTH AND 2254 FEET WEST FROM THE NE CORNER OF JAMES ROBINETTE DLC 52

6. Groundwater Registration Modification Application T-13560 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	720 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	800 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	115 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	150 ft.

7. Groundwater Registration Modification Application T-13560 proposes to modify the place of use under the ground water registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	6	SE NE	52	0.20
12 S	4 W	WM	6	NE SE	52	5.50
12 S	4 W	WM	6	NW SE	52	5.10
12 S	4 W	WM	6	SW SE	52	19.30
12 S	4 W	WM	6	SE SE	52	13.30
12 S	4 W	WM	7	NE NE	52	2.35
12 S	4 W	WM	7	NE NE	52	0.70
					Total	46.45

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

8. The proposed modifications would not result in enlargement of the groundwater registration.
9. 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.
10. The proposed modifications would not result in injury to other water rights.

Partial Cancellation of a Groundwater Registration

11. On January 22, 2021, the Department received an affidavit for voluntary cancellation of 8.75 acres of Certificate of Registration GR-2804.

12. The portion of the groundwater registration to be cancelled is as follows:

Registration: Registration Application GR-2995 (Certificate of Registration GR-2804), in the name of OREGON STATE COLLEGE

Use: IRRIGATION OF 8.75 ACRES

Tentative

Priority Date: DECEMBER 8, 1952

Quantity: 52.5 GALLONS PER MINUTE

Source: PUMP WELL within the OWL CREEK BASIN

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	6	NW SE	5.46
12 S	4 W	WM	6	SW SE	3.29
Total					8.75

Determination and Proposed Action

The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13560 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 modification will be approved and the portion of GR-2995 that has been abandoned is cancelled.

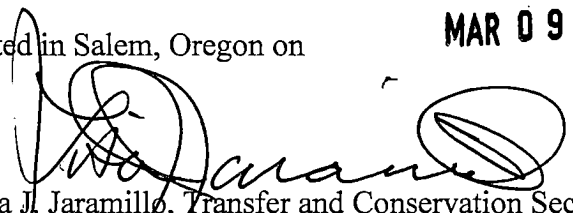
If Groundwater Registration Modification T-13560 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-2995 (Certificate of Registration GR-2804) proposed in Groundwater Registration Modification Application T-13560 are recognized. Recognition of the modifications 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. The portion of GR-2995 is cancelled.*
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-2995 (Certificate of Registration GR-2804) and any related decree.*
3. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation (Pump Well).*
4. *Water shall no longer be appropriated from the original point of appropriation (Pump Well) under this portion of the 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 (Pump Well).*

6. *The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater 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 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 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.

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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.