

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

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING TO APPROVE
T-10366, Umatilla County	)	RECOGNITION OF A MODIFICATION
	)	IN POINT OF APPROPRIATION

**Authority**

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.

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.

**Applicants**

ANTHONY B. TURNER  
JOYCE L. TURNER  
84822 DIDION LANE  
MILTON-FREEWATER, OREGON 97862

**Findings of Fact**

***Background***

1. On April 9, 2007, Anthony B. Turner and Joyce L. Turner filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1133 (Certificate of Registration GR-1093). The Department assigned the application number T-10366.
2. The applicant submitted a revised application map on September 4, 2007, that correctly identifies the scale of the map.
3. On September 5, 2007, Registration Application GR-1133 (Certificate of Registration GR-1093) was assigned from Andrew J. and Mabel Gilmore to Anthony B. Turner and Joyce L. Turner.
4. The entirety of the ground water registration to be modified is as follows:  
**Registration:** Application GR-1133 (Certificate of Registration GR-1093), in the name of Andrew J. and Mabel Gilmore (*assigned to Anthony B. and Joyce L. Turner*)  
**Use:** IRRIGATION of 4.5 ACRES  
**Tentative Priority Date:** PRIOR TO 1909  
**Quantity:** 100 GALLONS PER MINUTE (GPM), further limited to 80 acre feet per year

**Source:** A WELL, in the East Little Walla Walla River Basin

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
6 N	35 E	WM	26	NW NE	558 FEET SOUTH OF THE NORTH LINE OF SECTION 26 AND 75 FEET WEST OF THE NORTH AND SOUTH CENTER LINE OF THE NE¼ OF SECTION 26

**Original Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 N	35 E	WM	26	NW NE	4.5

5. The Department received information that better describes the location of the original point of appropriation in Finding #4 as follows:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
6 N	35 E	WM	26	NW NE	558 FEET SOUTH AND 75 FEET WEST FROM THE NE CORNER OF THE NW¼ NE¼ OF SECTION 26

6. Application T-10366 proposes to modify the point of appropriation under the ground water registration. The proposed new point of appropriation, located approximately 75 feet north from the original well, is located as follows:

Twp	Rng	Mer	Sec	¼ ¼	Tax Lot	Survey Coordinates
6 N	35 E	WM	26	NW NE	1500	900 FEET NORTH AND 99 FEET WEST FROM THE CENTER OF THE NE¼ OF SECTION 26

7. Notice of the application for ground water registration modification was published on April 17, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
8. On October 5, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve recognition of Ground Water Registration Modification Application T-10366 to the applicants. The draft Preliminary Determination set forth a deadline of November 5, 2007, for the applicants to respond. The applicants 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.

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

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

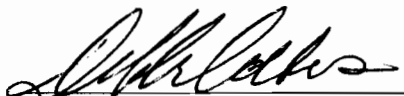
## **Determination and Proposed Action**

The modification in point of appropriation proposed in Application T-10366 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, and will be recognized provided that protests are not filed pursuant to OAR 690-382-0900.

*If Ground Water Registration Modification Application T-10366 is recognized, the final order will include the following:*

- 1. The modification to Registration Application GR-1133 (Certificate of Registration GR-1093) proposed in Application T-10366 is recognized. Recognition of the modification 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-1133 (Certificate of Registration GR-1093) and any related decree.*
- 3. Water shall be acquired from the same ground water 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. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

Dated at Salem, Oregon this 17 day of October 2007.

  
Phillip C. Ward, Director

This Preliminary Determination was prepared by Lisa Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or [Lisa.J.Jaramillo@wrdd.state.or.us](mailto:Lisa.J.Jaramillo@wrdd.state.or.us).

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1266.*