

**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-10701, Marion County)	RECOGNITION OF AN ADDITIONAL
)	POINT OF APPROPRIATION AND RE-
)	DESCRIPTION OF PLACE OF USE

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.

Applicant

DENNIS VAN DORN
17487 WALL LANE SE
JEFFERSON, OR 97352

Agent

JIM SCHUETTE
3000 MARKET STREET NE
SALEM, OR 97301

Findings of Fact

Background

1. On August 20, 2008, DENNIS VAN DORN filed a ground water registration modification application for an additional point of appropriation under Registration Application GR-420 (Certificate of Registration GR-406). The Department assigned the application number T-10701.
2. On August 29, 2008, Registration Application GR-420 (Certificate of Registration GR-406) was assigned from FRANK J. SADLE to DENNIS VAN DORN.
3. On October 1, 2008, the applicant's agent revised the application to include a re-description of place of use.
4. The map depicting the place of use filed with Registration Application GR-420 (Certificate of Registration GR-406) is of poor quality. The Department has carefully examined the place of use. Based on information provided by the applicant, as well as aerial photographs taken around the time of the claim, and information about the land owned by the original claimants, the Department concludes the original place of use was always located in what is now tax lot 1300 in the NE ¼ NE ¼, Sec. 13, T 10 S, R 3 W, W.M.

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.

5. The ground water registration to be modified is as follows:

Registration: Application GR-420 (Certificate of Registration GR-406), in the name of FRANK J. SADLE (assigned to DENNIS VAN DORN)

Use: IRRIGATION of 25.0 ACRES

Tentative

Priority Date: 1949

Quantity: 340 GALLONS PER MINUTE

Source: A WELL within the NORTH SANTIAM RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	3 W	WM	13	NE NE	1	1930 FEET NORTH AND 450 FEET WEST FROM THE E¼ CORNER OF SECTION 13

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	3 W	WM	13	NE NE	1	25.0

6. Ground Water Registration Modification Application T-10701 proposes an additional point of appropriation approximately 1000 feet south from the original well at:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	3 W	WM	13	SE NE	2	1600 FEET SOUTH AND 640 FEET WEST FROM THE NE CORNER OF SECTION 13

7. Ground Water Registration Modification Application T-10701 proposes a re-description of the place of use based on Finding of Fact No. 4. The re-described place of use is:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
10 S	3 W	WM	13	NE NE	1	25.0	1300

8. Notice of the application for ground water registration modification was published on September 2, 2008, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
9. On December 9, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10701 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 7, 2010, 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.

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

10. The proposed modifications would not result in enlargement of the ground water registration.

11. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
12. The proposed modifications would not result in injury to other water rights.

Determination and Proposed Action


The additional point of appropriation and re-description of place of use proposed in Ground Water Registration Modification T-10701 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 application will be recognized.

If Ground Water Registration Modification Application T-10701 is recognized, the final order will include the following:

1. *The modifications to Registration Application GR-420 (Certificate of Registration GR-406) proposed in Ground Water Registration Modification Application T-10701 are recognized. Recognition of the modifications 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-420 (Certificate of Registration GR-406) 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 additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*

5. *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 25 day of May 2010.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Kara Morris. If you have questions about the information in this document, you may reach me at 503-786-0898 or Kara.B.Morris@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.