

**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-10344, 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, type of use or point of appropriation under a ground water 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

Linden Knapp and Shauna Knapp
722 Crestview Place
Walla Walla, WA 99362

Findings of Fact

Background

1. On March 19, 2007, Linden Knapp filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-2825 (Certificate of Registration GR-2664). The Department assigned the application number T-10344.
2. In order to complete the ground water registration modification application, the applicant submitted an application map and a Land Use Information Form to the Department on March 29, 2007.
3. Linden Knapp amended the transfer application on May 14, 2007, to include Shauna Knapp as one of the applicants. Additionally, Shauna Knapp's original signature was included on the amended application.
4. The portion of the ground water registration to be modified is as follows:
Registration: APPLICATION GR-2825 (CERTIFICATE OF REGISTRATION GR-2664),
in the name of H. G. DUGGAN
Use: IRRIGATION OF 8.14 ACRES
Tentative Priority Date: 1895
Quantity: 200.0 GALLONS PER MINUTE (GPM); 50.0 ACRE FEET PER YEAR
Source: A WELL, in the WALLA WALLA RIVER BASIN

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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Original Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Location
6 N	35 E	WM	35	SE SW	46 FEET NORTH AND 168 FEET WEST OF THE SOUTH ¼ CORNER OF SECTION 35

Original Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Acres
6 N	35 E	WM	35	SE SW	8.14

5. The Department received information that better describes the location of the original point of appropriation for Application GR-2825 (Certificate of Registration GR-2664) as follows:

Township	Range	Meridian	Sec	¼ ¼	Tax Lot	Location
6 N	35 E	WM	35	SE SW	1800	46 FEET NORTH AND 168 FEET WEST OF THE SOUTH ¼ CORNER OF SECTION 35

6. Application T-10344 proposes to modify the point of appropriation under the ground water registration. The proposed new point of appropriation, being approximately 1075 feet northwest from the original well, is to be located as follows:

Township	Range	Meridian	Sec	¼ ¼	Tax Lot	Location
6 N	35 E	WM	35	SE SW	1800	300 FEET NORTH AND 1296 FEET WEST OF THE SOUTH ¼ CORNER OF SECTION 35

7. Notice of the application for ground water registration modification was published on March 27, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

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

8. The proposed modification, as conditioned, would not result in enlargement of the right.
9. 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.
10. 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-10344 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-10344 is recognized, the final order will include the following:

- 1. The modification to Registration Application GR-2825 (Certificate of Registration GR-2664) proposed in Application T-10344 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
- 2. The right to 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-2825 (Certificate of Registration GR-2664) 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 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 12th day of June 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@ wrd.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.