

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

In the Matter of Groundwater)	FINAL ORDER APPROVING RECOGNITION
Registration Modification Application)	FOR ADDITIONAL POINTS OF
T-13415, Marion County)	APPROPRIATION AND A MODIFICATION
)	IN THE PLACE OF USE

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

FULL HARVEST AGRICULTURAL HOLDCO II, LLC
PO BOX 964
SCIO, OR 97374

Findings of Fact

1. On April 9, 2020, FULL HARVEST AGRICULTURAL HOLDCO II, LLC filed a groundwater registration modification application for additional points of appropriation and a modification in the place of use under Registration Application GR-2192 (Certificate of Registration GR-2097). The Department assigned the application number T-13415.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

2. On June 25, 2020, Registration Application GR-2192 (Certificate of Registration GR-2097) was partially assigned from W. F. WEDDLE to FULL HARVEST AGRICULTURAL HOLDCO II, LLC.
3. Notice of the application for groundwater registration modification was published on May 12, 2020, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On October 1, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13415 to the applicant. The Department determined the proposed additional point of appropriation (APOA) identified as South Well, would likely cause an overall increase in interference with the Santiam River. The draft Preliminary Determination cover letter set forth a deadline of November 1, 2021, for the applicant to respond.
5. On October 12, 2021, the applicant contacted the Department. They inquired whether the use could be reduced from the South Well under the applicable groundwater registration, to keep the impact to the Santiam River at its current authorized degree or less. The Department determined the impact to the river could be modeled, to determine what rate would not exceed that impact with the proposed APOA. The applicant intends to convert the acreage to drip irrigation, indicating that they intend to pump less.
6. On August 16, 2022, the Department completed the modeling to determine what pumping rate for the South Well would likely cause similar or lesser depletions of the Santiam River. The Department determined that restricting pumping of the South Well (MARI 65694) to a maximum rate of not to exceed 0.3333 cubic foot per second (149.6 gallons per minute) under T-13415, will likely prevent a substantial increase in depletions of the Santiam River.
7. On August 18, 2022, the applicant responded that the reduced rate for the South Well is acceptable and asked the Department to proceed.
8. On October 20, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13415 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of November 21, 2022, 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.
9. On February 10, 2023, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification T-13415 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the groundwater registration modification application was published on the Department's weekly notice on February 14, 2023, and in the Scio Tribune newspaper on February 16 and 23, 2023

10. On February 14, 2023, the applicant's agent informed the Department that the Applicant has changed addresses.

11. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-2192 (Certificate of Registration GR-2097), in the name of W. F. WEDDLE (*partially assigned to FULL HARVEST AGRICULTURAL HOLDCO II, LLC*)

Use: IRRIGATION of 32.5 ACRES

Tentative

Priority Date: 1948

Quantity: 227.5 GALLONS PER MINUTE

Duty: 1.6 ACRE FEET PER YEAR

Source: PUMP WELL NO. 1

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	3 W	WM	24	NW NW	PUMP WELL NO. 1 - 100 FEET SOUTH AND 1100 FEET EAST FROM THE NW CORNER OF SECTION 24

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Changes
10 S	3 W	WM	13	SW SW	7.0	APOA
10 S	3 W	WM	13	SE SW	0.3	APOA
10 S	3 W	WM	24	NE NW	3.5	APOA
10 S	3 W	WM	24	NW NW	2.9	APOA/POU
10 S	3 W	WM	24	NW NW	18.8	APOA
Total					32.5	

12. Groundwater Registration Modification Application T-13415 proposes additional points of appropriation from the original well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
10 S	3 W	WM	13	NW SW	NORTH WELL - 1380 FEET NORTH AND 730 FEET EAST FROM THE SW CORNER OF SECTION 13	0.3 mi.
10 S	3 W	WM	24	NW NW	SOUTH WELL - 300 FEET SOUTH AND 670 FEET EAST FROM THE NW CORNER OF SECTION 24	0.1 mi.

13. Groundwater Registration Modification Application T-13415 also proposes to modify the place of use under the ground water registration to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	3 W	WM	13	SW SW	7.8
10 S	3 W	WM	13	SE SW	0.3
10 S	3 W	WM	24	NE NW	3.5
10 S	3 W	WM	24	NW NW	20.9
Total					32.5

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

14. The proposed modifications would not result in enlargement of the groundwater registration.
15. 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.
16. The proposed modifications, as conditioned, would not result in injury to other water rights.

Conclusions of Law

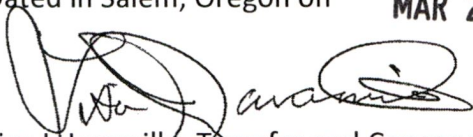
The additional points of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13415 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-2192 (Certificate of Registration GR-2097) proposed in Groundwater Registration Modification Application T-13415 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-2192 (Certificate of Registration GR-2097) 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 new additional points of appropriation (North Well and South Well), together with that diverted at the original point of appropriation (Pump Well No. 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well No. 1).
5. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.
6. The quantity of water diverted at the new additional point of appropriation (South Well) is authorized a maximum rate of not to exceed 149.6 gallons per minute (0.3333 cubic foot per second).

Dated in Salem, Oregon on **MAR 20 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **MAR 21 2023**