

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

In the Matter of Ground Water)	FINAL ORDER APPROVING
Registration Modification Application)	RECOGNITION OF A MODIFICATION
T-12692, Polk County)	FOR ADDITIONAL POINTS OF
)	APPROPRIATION

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 ground water 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 ground water registration modification applications.

Applicants

ACMPC OREGON 2, LLC
DBA HALLS FERRY FARMS
PO BOX 717
JEFFERSON, OR 97352

PAUL N. WATTENBARGER
1073 7TH STREET NW
SALEM, OR 97304

Findings of Fact

1. On June 14, 2017, ACMPC OREGON 2, LLC (DBA HALLS FERRY FARMS) AND PAUL N. WATTENBARGER filed a ground water registration modification application for additional points of appropriation under Registration Application GR-1380 (Certificate of Registration GR-1337). The Department assigned the application number T-12692
2. On June 15, 2017, Registration Application GR-1380 (Certificate of Registration GR-1337) was partially assigned from WALTER H. BROWN to ACMPC OREGON 2, LLC.

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.

3. Notice of the application for ground water registration modification was published on June 20, 2017, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On March 26, 2018, the Department contacted the applicant and the applicant's agent by written correspondence to notify the applicant of a deficiency in the application. The Department requested that the deficiency be resolved by April 26, 2018.
5. On April 27, 2018, Registration Application GR-1380 (Certificate of Registration GR-1337) was partially assigned from WALTER H. BROWN to PAUL N. WATTENBARGER.
6. On June 1, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12692 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 5, 2018, 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.
7. On July 2, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12692 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 3, 2018, and in the Dallas-Polk County Itemizer Observer newspaper on July 11 and 18, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
8. The portion of the ground water registration to be modified is as follows:

Registration: Application GR-1380 (Certificate of Registration GR-1337), in the name of WALTER H. BROWN (*partially assigned to ACMPC OREGON 2, LLC and PAUL WATTENBARGER*)

Use: IRRIGATION of 51.0 ACRES

Tentative

Priority Date: JULY 1944

Quantity: 300 GALLONS PER MINUTE (gpm)

Source: PUMP WELL #1

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	4 W	WM	35	NW SW	65	2340 FEET NORTH AND 1120 FEET EAST FROM THE SW CORNER OF SECTION 35

Original Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	4 W	WM	34	SE NE	65	12.0
7 S	4 W	WM	34	NE SE	65	12.0
7 S	4 W	WM	35	SW NW	65	7.0

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	4 W	WM	35	SE NW	65	1.0
7 S	4 W	WM	35	NE SW	65	7.0
7 S	4 W	WM	35	NW SW	65	12.0
Total						51.0

9. Ground Water Registration Modification Application T-12692 proposes additional points of appropriation. The proposed additional points of appropriation are described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from original well location measured in feet (ft)
7 S	4 W	WM	35	NW SE	65	WELL 13 - 800 FEET SOUTH AND 1630 FEET WEST FROM THE E1/4 CORNER OF SECTION 35	2,704.8 ft
7 S	4 W	WM	35	NW SW	65	WELL 17 - 2090 FEET NORTH AND 1170 FEET EAST FROM THE SW CORNER OF SECTION 35	254.6 ft

10. The place of use is described as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	POA to be used	DLC	Acres
7 S	4 W	WM	34	SE NE	WELL 17	65	8.6
7 S	4 W	WM	34	NE SE	WELL 17	65	11.5
7 S	4 W	WM	35	SW NW	WELL 17	65	7.0
7 S	4 W	WM	35	SW NW	WELL 13 AND 17	65	0.2
7 S	4 W	WM	35	SE NW	WELL 13 AND 17	65	0.2
7 S	4 W	WM	35	NE SW	WELL 13 AND 17	65	8.8
7 S	4 W	WM	35	NW SW	WELL 13 AND 17	65	8.4
7 S	4 W	WM	35	NW SW	WELL 17	65	6.3
Total							51.0

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

11. The proposed modification would not result in enlargement of the ground water registration.
12. 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.
13. The proposed modification would not result in injury to other water rights.

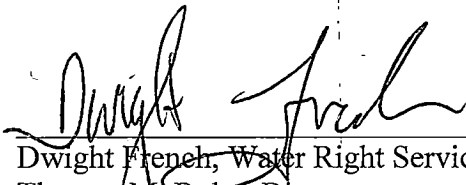
Conclusions of Law

The additional points of appropriation proposed in Ground Water Registration Modification T-12692 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 modification to Registration Application GR-1380 (Certificate of Registration GR-1337) proposed in Ground Water Registration Modification Application T-12692 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-1380 (Certificate of Registration GR-1337) 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 points 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.

Dated at Salem, Oregon this AUG 23 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: AUG 24 2018