

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

| | | |
|---------------------------------------|---|-----------------------------|
| In the Matter of Ground Water |) | FINAL ORDER APPROVING |
| Registration Modification Application |) | RECOGNITION OF MODIFICATION |
| T-11388, Polk County |) | OF A POINT OF APPROPRIATION |
| |) | AND ADDITIONAL POINTS 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

ECHO RIDGE FARMS, INC.
4494 RAYBELL RD NE
SAINT PAUL, OR 97137

WESTWOOD FARMS, INC.
PO BOX 82
SAINT PAUL, OR 97137

ARROWHEAD FARMS, INC.
PO BOX 127
SAINT PAUL, OR 97137

Findings of Fact

Background

1. On March 29, 2012, ECHO RIDGE FARMS, INC., WESTWOOD FARMS, INC., AND ARROWHEAD FARMS, INC. filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1104 (Certificate of Registration GR-1064). The Department assigned the application number T-11388.
2. Notice of the application for ground water registration modification was published on April 3, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

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. On September 28, 2012, the Department sent a copy of the draft Preliminary Determination to approve Transfer Application T-11388 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of October 29, 2012, for the applicants to respond. The applicants requested to place Transfer T-11388 on administrative hold for 120 days. This was granted.
4. On December 20, 2013, the Department received a request to place Transfer T-11388 on another administrative hold. A 90 day administrative hold was granted.
5. On May 30, 2014, the applicant amended the application to add two additional points of appropriation to the application.
6. On June 25, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11388 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 25, 2014, 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 Groundwater Registration Modification.
7. On September 5, 2014, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11388 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department's weekly notice on September 9, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
8. The ground water registration to be modified is as follows:

Registration: Application GR-1104 (Certificate of Registration GR-1064), in the name of JOHN I. HAAS, INC. (*assigned to ECHO RIDGE FARMS, INC., WESTWOOD FARMS, INC., AND ARROWHEAD FARMS, INC.*)

Use: IRRIGATION of 133.0 ACRES

Tentative

Priority Date: MAY 31, 1949

Quantity: 900 GALLONS PER MINUTE

Source: PUMP WELL NO. 1 within the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distance |
|-----|-----|-----|-----|-------|--|
| 9 S | 3 W | WM | 7 | NW NE | S 55°15' EAST 14.54 CHAINS FROM THE NW¼ NE¼ OF SECTION 7 |

Original Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 9 S | 3 W | WM | 6 | SE SW | 6.0 |
| 9 S | 3 W | WM | 6 | SW SE | 14.0 |
| 9 S | 3 W | WM | 6 | SE SE | 8.0 |
| 9 S | 3 W | WM | 7 | NE NE | 28.0 |
| 9 S | 3 W | WM | 7 | NW NE | 40.0 |
| 9 S | 3 W | WM | 7 | SW NE | 14.0 |
| 9 S | 3 W | WM | 7 | SE NE | 8.0 |
| 9 S | 3 W | WM | 7 | NE NW | 10.0 |
| 9 S | 3 W | WM | 7 | SE NW | 5.0 |
| Total: | | | | | 133.0 |

9. Ground Water Registration Modification Application T-11388 proposes to modify the location of the original point of appropriation and add additional points of appropriation approximately 400 feet from the original well to Well 1; approximately 968 feet to Well 2; and approximately 1064 feet to Well 3:

| Twp | Rng | Mer | Sec | Q-Q | GPS Coordinates |
|-----|-----|-----|-----|-------|---|
| 9 S | 3 W | WM | 7 | NW NE | WELL 1: GPS: 44 DEGREES 48 MINUTES 32.92 SECONDS NORTH AND -123 DEGREES 05 MINUTES 55.92 SECONDS WEST |
| 9 S | 3 W | WM | 6 | SW SE | WELL 2: GPS: 44 DEGREES 48 MINUTES 43.26 SECONDS NORTH AND -123 DEGREES 5 MINUTES 56.15 SECONDS WEST |
| 9 S | 3 W | WM | 7 | NE NW | WELL 3: GPS: 44 DEGREES 48 MINUTES 28.55 SECONDS NORTH AND -123 DEGREES 6 MINUTES 13.47 SECONDS WEST |

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 injury to other water rights.

Conclusions of Law

The modification of the point of appropriation and additional points of appropriation proposed in Ground Water Registration Modification T-11388 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-1104 (Certificate of Registration GR-1064) proposed in Ground Water Registration Modification Application T-11388 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-1104 (Certificate of Registration GR-1064) 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 ground water certificate of registration.
5. The quantity of water diverted at the new point of appropriation and additional points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at the new points of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated at Salem, Oregon this 10 day of October, 2014.



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

Mailing Date: OCT 21 2014