

**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-12035, Polk County)	IN POINT 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.

Applicant

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

Findings of Fact

1. On April 16, 2015, ACMPC OREGON 2, LLC, (dba Halls Ferry Farms) filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1514 (Certificate of Registration GR-1462). The Department assigned the application number T-12035.
2. Notice of the application for ground water registration modification was published on April 28, 2015, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On June 22, 2015, Registration Application GR-1514 (Certificate of Registration GR-1462) was assigned from E. CLEMENS HORST CO. to ACMPC OREGON 2 LLC DBA HALLS FERRY FARMS.

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.

4. On April 4, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12035 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 4, 2016, 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.
5. On April 21, 2016, the Department issued a Preliminary Determination proposing to approve Transfer T-12035 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 April 26, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The ground water registration to be modified is as follows:

Registration: Application GR-1514 (Certificate of Registration GR-1462), in the name of E. Clemens Horst Co. (assigned to ACMPC Oregon 2, LLC, dba Halls Ferry Farms); as modified by Special Order Volume 19, Page 377

Use: IRRIGATION of 109.9 ACRES

Tentative

Priority Date: 1910

Quantity: 487 GALLONS PER MINUTE

Source: PUMP WELL No. 5 within the HAYDEN SLOUGH BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	2	SE SW	NORTH 57 DEGREES 30 MINUTES EAST 2470 FEET FROM THE NW CORNER OF SECTION 11

Original Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	4 W	WM	2	SW NE	4.7
8 S	4 W	WM	2	SE NW	13.8
8 S	4 W	WM	2	NE SW	26.7
8 S	4 W	WM	2	SE SW	8.1
8 S	4 W	WM	2	NE SE	11.9
8 S	4 W	WM	2	NW SE	39.4
8 S	4 W	WM	2	SW SE	5.3
Total					109.9

7. Ground Water Registration Modification Application T-12035 proposes to modify the location of the original point of appropriation approximately 23 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	GPS Coordinates
8 S	4 W	WM	2	SE SW	NEW WELL 5 - LATITUDE 44.901671 LONGITUDE -123.145761

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

8. The proposed modification would not result in enlargement of the ground water registration.
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.

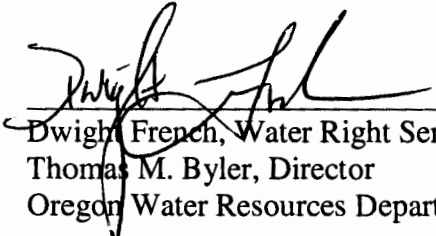
Conclusions of Law

The modification in point of appropriation proposed in Ground Water Registration Modification T-12035 is 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-1514 (Certificate of Registration GR-1462) proposed in Ground Water Registration Modification Application T-12035 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-1514 (Certificate of Registration GR-1462) 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, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Dated at Salem, Oregon this 31 day of May, 2016.


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

Mailing date: JUN 07 2016