

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-12036, Polk County)	CHANGE IN POINTS OF
)	APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer 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 an application to change the points of appropriation under Certificates 28469 and 68265. The Department assigned the application number T-12036.
2. Notice of the application for transfer was published on April 28, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 4, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12036 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.
4. On April 21, 2016, the Department issued a Preliminary Determination proposing to approve Transfer T-12036 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.

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.

5. The first right to be transferred is as follows:

Certificate: 28469 in the name of GORDON DAGUE (perfected under Permit G-431)
Use: IRRIGATION of 28.8 ACRES
Priority Date: JANUARY 9, 1957
Rate: 0.36 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, tributary of WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	4 W	WM	36	SE NW	60	40 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF DLC 60

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	4 W	WM	36	SW NE	60	4.1
7 S	4 W	WM	36	SW NE	61	7.9
7 S	4 W	WM	36	SE NW	60	16.8
Total						28.8

6. Transfer Application T-12036 proposes to move the authorized point of appropriation approximately 65 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GPS Coordinates
7 S	4 W	WM	36	SE NW	NEW WELL 12 - LATITUDE 44.919614 LONGITUDE -123.123632

7. The second right to be transferred is as follows:

Certificate: 68265 in the name of GREEN VILLA FARMS (perfected under Permit G-8684)
Use: IRRIGATION OF 118.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 123.1 ACRES
Priority Date: APRIL 3, 1978
Rate: 3.02 CUBIC FEET PER SECOND, BEING 0.28 CFS FROM WELL 3, 0.82 CFS FROM WELL 5, AND 1.92 CFS FROM WELL 7 or its equivalent in case of rotation, measured at the well.
Limit/Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
Source: THREE WELLS in the WILLAMETTE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	2	NE SW	WELL 7 - 1525 FEET NORTH AND 1485 FEET EAST FROM THE SW CORNER OF SECTION 2
8 S	4 W	WM	2	SE SW	WELL 5 - 1310 FEET NORTH AND 2050 FEET EAST FROM THE SW CORNER OF SECTION 2
8 S	4 W	WM	11	NW NW	WELL 3 - 865 FEET SOUTH AND 700 FEET EAST FROM THE SW CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION								
Well #	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5, 7	8 S	4 W	WM	2	SW SW		60	7.3
5, 7	8 S	4 W	WM	2	SW SW	6		10.9
5, 7	8 S	4 W	WM	2	SE SW			31.9
5, 7	8 S	4 W	WM	2	SW SE			3.7
3	8 S	4 W	WM	10	SE NE	4		12.8
5, 7	8 S	4 W	WM	11	NW NE			12.0
5, 7	8 S	4 W	WM	11	SW NE			7.0
5, 7	8 S	4 W	WM	11	NE NW			15.0
3	8 S	4 W	WM	11	SW NW	7		8.9
5, 7	8 S	4 W	WM	11	SE NW	6		8.9
Total								118.4

SUPPLEMENTAL IRRIGATION								
Well #	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5, 7	8 S	4 W	WM	2	SE SW			8.1
5, 7	8 S	4 W	WM	2	SW SE			23.0
5, 7	8 S	4 W	WM	11	NW NE			9.5
5, 7	8 S	4 W	WM	11	NE NW			25.0
5, 7	8 S	4 W	WM	11	NW NW			17.9
5, 7	8 S	4 W	WM	11	SW NW	7		12.0
5, 7	8 S	4 W	WM	11	SE NW	6		27.6
Total								123.1

8. Transfer Application T-12036 proposes to move the authorized point of appropriation, Well 5, approximately 52 feet from the existing point of appropriation to:

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

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12036.

11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

The change in points of appropriation proposed in Transfer Application T-12036 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of appropriation proposed in Transfer Application T-12036 is approved.
2. The right to 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 Certificates 28469 and 68265 and any related decree.
3. Water right Certificates 28469 and 68265 are cancelled.
4. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

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

JUN 07 2016

Mailing date: _____