

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

In the Matter of Groundwater)	FINAL ORDER APPROVING RECOGNITION
Registration Modification Application)	OF ADDITIONAL POINTS OF
T-13568, Polk County)	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 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

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

Findings of Fact

1. On November 18, 2020, ACMPC OREGON 2 LLC, DBA HALLS FERRY FARMS filed a groundwater registration modification application for additional points of appropriation under Registration Application GR-1512 (Certificate of Registration GR-1460). The Department assigned the application number T-13568.
2. On June 12, 2017, Registration Application GR-1512 (Certificate of Registration GR-1460) was partially 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.

3. Notice of the application for groundwater registration modification was published on December 15, 2020, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On April 22, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13568 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 23, 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.
5. On July 14, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13568 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 19, 2022, and in the Polk County Itemizer-Observer (Dallas) newspaper on July 27 and August 3, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-1512 (Certificate of Registration GR-1460), in the name of E. CLEMENS HORST CO. (*partially assigned to ACMPC OREGON 2 LLC, (dba HALLS FERRY FARMS)*)

Use: IRRIGATION of 83.4 ACRES

Tentative

Priority Date: 1910

Quantity: 492.4 GALLONS PER MINUTE

Duty: 208.5 ACRE FEET PER YEAR

Source: PUMP WELL #3

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	11	NW NW	PUMP WELL #3 - SOUTH 37 DEGREES EAST, 1070 FEET FROM THE NW CORNER OF SECTION 11

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	4 W	WM	11	NE NW	25.0
8 S	4 W	WM	11	NW NW	19.0
8 S	4 W	WM	11	SW NW	11.8
8 S	4 W	WM	11	SE NW	27.6
Total					83.4

7. Groundwater Registration Modification Application T-13568 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
8 S	4 W	WM	2	NE SW	WELL 5 - 1365 FEET NORTH AND 2055 FEET EAST FROM THE SW CORNER OF SECTION 2	0.5 mi.
8 S	4 W	WM	2	NE SW	WELL 7 - 1525 FEET NORTH AND 1485 FEET EAST FROM THE SW CORNER OF SECTION 2	0.5 mi.
8 S	4 W	WM	11	NW SW	WELL 27 - 2930 FEET SOUTH AND 570 FEET EAST FROM THE NW CORNER OF SECTION 11	0.4 mi.

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

8. The proposed modification would not result in enlargement of the groundwater 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 additional points of appropriation proposed in Groundwater Registration Modification T-13568 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

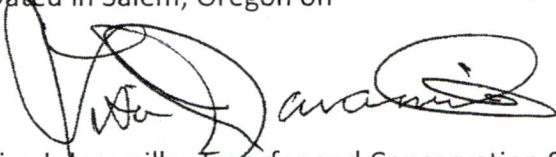
Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-1512 (Certificate of Registration GR-1460) proposed in Groundwater Registration Modification Application T-13568 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-1512 (Certificate of Registration GR-1460) 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 (Wells 5, 7, and 27), together with that diverted at the original point of appropriation (Pump Well #3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well #3).

Dated in Salem, Oregon on

SEP 26 2022



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

Mailing date: SEP 27 2022