BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PROPOSED FINAL ORDER TO APPROVE
T-13563, Polk County	)	ADDITIONAL POINTS OF DIVERSION AND
	)	ADDITIONAL POINTS OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement 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, OREGON 97352

Findings of Fact

1. On November 18, 2020, ACMPC Oregon 2 LLC /DBA Halls Ferry Farms filed an application for additional points of diversion for Certificates 14257, 49817, and 86655, additional points of appropriation for Certificates 37342, 79879, and 95332, and a change from surface water points of diversion to a ground water point of appropriation for Certificate 67321. The Department assigned the application number T-13563.

2. Notice of the application for transfer was published on December 15, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. Review of the application indicated that the application did not meet the criteria of OAR 690-380-3220, to qualify for multiple Certificates to be transferred under the same application. The criteria to be met are as follows:

    a) A change in point or points of diversion or appropriation to a new common point of diversion or appropriation for a delivery system serving multiple rights or multiple ownerships;

Under ORS 540.520(8) and (9) and ORS 536.077(1), any person may file a protest of this Proposed Final Order within 30 days after publication of notice of this Proposed Final Order in the Department's weekly notice. Under ORS 540.520(9) and ORS 536.077(2), if a protest is filed, any person who supports this Proposed Final Order may file a request for party status within 30 days after the deadline for filing a protest. Please refer to the end of this document for further information about filing protests and requests for party status.

b) A change in use or place of use of all rights on a single parcel from all sources;

c) A change in use or place of use from as many as four landowners may be allowed within a district. Such a change must be for the same water right and not total more than 10 acres transferred; or

d) Transfers between two parcels using water from the same source.

4. In addition, the proposed change for Certificate 67321 cannot be made with the other changes requested in this application, pursuant to ORS 540.531(6)(b).

5. On November 08, 2021, the applicant's agent submitted amended pages for Certificate 37342, removing a proposed additional point of appropriation (Well 28).

6. On December 14, 2021, the Department concluded that not enough information was provided in the application to determine if the proposed change for Certificate 67321 develops groundwater from a hydraulically connected surface water source (Hayden Slough).

7. On December 1, 2025, the Department sent a copy of the draft Preliminary Determination (further referred to as Initial Review) to the applicant, proposing to deny Transfer Application T-13563. The Initial Review cover letter provided a deadline of December 30, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination (further referred to as Proposed Final Order) and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and amended the application to remove Certificate 67321 for which the change from surface water point of diversion to a ground water point of appropriation was proposed.

8. On January 12, 2026, the Department determined that the application was filed prior to June 2021, when the Department officially started to enforce OAR 690-380-3220, and therefore the application and Certificates do qualify to be transferred.

9. The portion of the first right to be transferred is as follows:

Certificate:	14257 in the name of R. E. WILLIAMS and L. H. THACKER (perfected under Permit S-14091)
Use:	IRRIGATION
Priority Date:	NOVEMBER 8, 1939
Rate:	1.83 CUBIC FEET PER SECOND (cfs), BEING 0.915 cfs FROM EACH SOURCE
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: WILLAMETTE RIVER and A SLOUGH, tributary of RICKREALL CREEK, a tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	4 W	WM	25	SE SW	60	POD B - BEING WITHIN JOSHUA SHAW DLC 60
7 S	4 W	WM	36	NW NW	60	POD A - BEING WITHIN JOSHUA SHAW DLC 60
7 S	4 W	WM	36	NE NE	61	POD D - BEING WITHIN WILLIAM DURAN DLC 61

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	4 W	WM	25	SE SW	60	18.3
7 S	4 W	WM	25	SW SE	61	10.42
7 S	4 W	WM	25	SW SE	60	3.7
7 S	4 W	WM	36	NE NE	61	2.5
7 S	4 W	WM	36	NW NE	61	30.2
7 S	4 W	WM	36	NW NE	60	8.0
7 S	4 W	WM	36	SW NE	61	12.7
7 S	4 W	WM	36	SW NE	60	3.5
7 S	4 W	WM	36	NE NW	60	36.6
7 S	4 W	WM	36	NW NW	60	0.4
7 S	4 W	WM	36	SW NW	60	3.0
7 S	4 W	WM	36	SE NW	60	16.3
					Total	145.62

10. Transfer Application T-13563 proposes an additional point of diversion to POD D only, limited to 0.99 cfs from the Willamette River, described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized Points of Diversion
8 S	4 W	WM	1	SW NW	POD F - 4280 FEET SOUTH AND 1250 FEET EAST FROM THE W 1/4 CORNER OF SECTION 36	POD D - 1.2 miles UPSTREAM

11. The portion of the second right to be transferred is as follows:

Certificate: 37342 in the name of GREEN VILLA FARMS (perfected under Permit G-2730)
Use: IRRIGATION OF 1.8 ACRES and SUPPLEMENTAL IRRIGATION OF 97.4 ACRES
Priority Date: JULY 1, 1964
Rate: 1.0 CUBIC FOOT PER SECOND
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: WILLIAMS WELL No. 1 a tributary of WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	4 W	WM	36	NW NE	61	*WILLIAMS WELL NO. 1 - 1690 FEET NORTH AND 2970 FEET EAST FROM THE W1/4 CORNER OF SECTION 36
*THE APPLICANT DESCRIBES THIS WELL AS WELL 15						

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	4 W	WM	36	NW NE	61	1.8

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	4 W	WM	25	SE SW	60	1.4
7 S	4 W	WM	25	SW SE	60	2.4
7 S	4 W	WM	25	SW SE	61	8.9
7 S	4 W	WM	36	NE NE	61	1.3
7 S	4 W	WM	36	NW NE	60	8.0
7 S	4 W	WM	36	NW NE	61	30.2
7 S	4 W	WM	36	SW NE	60	3.5
7 S	4 W	WM	36	SW NE	61	12.4
7 S	4 W	WM	36	NE NW	60	20.1
7 S	4 W	WM	36	SE NW	60	9.2
					Total	97.4

12. Transfer Application T-13563 proposes an additional point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation
7 S	4 W	WM	36	SE NW	WELL 12 - 550 FEET WEST FROM THE SE CORNER OF DLC 60	1750 FEET SW

13. The portion of the third right to be transferred is as follows:

Certificate: 49817 in the name of E. CLEMENS HORST COMPANY (perfected under Permit S-8299)
Use: IRRIGATION OF 27.7 ACRES
Priority Date: JANUARY 25, 1928
Rate: 0.35 CUBIC FOOT PER SECOND
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.
Source: HAYDEN LAKE, a tributary of WILLAMETTE RIVER WATERSHED

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
8 S	4 W	WM	2	NW SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	4 W	WM	2	NW SW	3.0
8 S	4 W	WM	2	SW SW	3.0
8 S	4 W	WM	3	NE SE	15.0
8 S	4 W	WM	3	SE SE	6.7
				Total	27.7

14. Transfer Application T-13563 proposes an additional point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized Point of Diversion
8 S	4 W	WM	2	SE NW	POD U - 3500 FEET NORTH AND 1910 FEET EAST FROM THE SW CORNER OF SECTION 2	0.39 mile NE

15. The fourth right to be transferred is as follows:

Certificate: 79879 in the name of GREEN VILLA FARMS (perfected under Permit G-11884)
Use: IRRIGATION
Priority Date: NOVEMBER 10, 1993
Rate: 0.59 CUBIC FOOT PER SECOND
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 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.
Period of Use: MARCH 1 through OCTOBER 31 of each year
Source: GIES WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
8 S	4 W	WM	10	NE SE	56	*GIES WELL - 3230 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 10
*THE APPLICANT DESCRIBES THIS WELL AS WELL 22						

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
8 S	4 W	WM	11	SE NW	56	2.6
8 S	4 W	WM	11	NE SW	56	28.8
8 S	4 W	WM	11	NW SW	56	15.5
					Total	46.9

16. Transfer Application T-13563 proposes an additional point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate Distance from Authorized Point of Appropriation
8 S	4 W	WM	11	NW SW	56	WELL 27 - 2930 FEET SOUTH AND 570 FEET EAST FROM THE NW CORNER OF SECTION 11	1340 FEET NE

17. The fifth right to be transferred is as follows:

Certificate: 86655 in the name of GREEN VILLA FARMS (perfected under Permit S-15237)
Use: IRRIGATION OF 140.5 ACRES
Priority Date: APRIL 6, 1942
Rate: 1.76 CUBIC FEET PER SECOND
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 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: WILLAMETTE RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
8 S	4 W	WM	1	SW NW	3	POD M - 4940 FEET SOUTH AND 1080 FEET EAST FROM THE W1/4 CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
7 S	4 W	WM	35	SE SE	9	1.4
7 S	4 W	WM	36	SW NE		0.3
7 S	4 W	WM	36	SW NW		2.6
7 S	4 W	WM	36	SE NW		1.6
7 S	4 W	WM	36	NE SW	6	36.8
7 S	4 W	WM	36	NW SW	9	17.0
7 S	4 W	WM	36	SW SW		38.0
7 S	4 W	WM	36	SE SW	5	20.6

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
7 S	4 W	WM	36	NW SE	6	2.6
8 S	4 W	WM	1	NE NW	2	4.8
8 S	4 W	WM	1	NW NW	2	14.0
8 S	4 W	WM	2	NE NE	9	0.8
					Total	140.5

18. Transfer Application T-13563 proposes an additional point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized Point of Diversion
8 S	4 W	WM	1	SW NW	POD F - 4280 FEET SOUTH AND 1250 FEET EAST FROM THE W1/4 CORNER OF SECTION 36	800 FEET DOWNSTREAM

19. The portion of the sixth right to be transferred is as follows:

Certificate: 95332 in the name of GREEN VILLA FARMS (perfected under Permit G-8684)
Use: IRRIGATION OF 3.6 ACRES
Priority Date: APRIL 3, 1978
Rate: 0.05 CUBIC FOOT PER SECOND
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: WELL 3, in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	11	NW NW	WELL 3 - 865 FEET SOUTH AND 700 FEET EAST FROM THE SW1/4 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
8 S	4 W	WM	11	SW NW	7	3.6

20. Transfer Application T-13563 proposes an additional point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate Distance from the Authorized Point of Appropriation
8 S	4 W	WM	11	NW SW	56	WELL 27 - 2930 FEET SOUTH AND 570 FEET EAST FROM THE NW CORNER OF SECTION 11	0.39 mile S

21. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), OAR, OAR 690-380-2110(2), OAR 690-380-2130, and OAR 690-380-3220]

22. Water has been used within the five-year period prior to submittal of Transfer Application T-13563 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.

23. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13563.

24. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

25. The proposed points of diversion divert water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).

26. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).

27. The proposed changes, as conditioned, would not result in enlargement of the rights.

28. The proposed changes, as conditioned, would not result in injury of other rights.

29. All other application requirements are met.

Determination and Proposed Action

The additional points of diversion for Certificates 14257, 49817, and 86655, and the additional points of appropriation for Certificates 37342, 79879, and 95332 proposed in Transfer Application T-13563 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13563 is approved, the final order will include the following:

1. *The additional points of diversion for Certificates 14257, 49817, and 86655, and the additional points of appropriation for Certificates 37342, 79879, and 95332 proposed in Transfer Application T-13563 are 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 14257, 49817, 86655, 37342, 79879, 95332, and any related decree.*

3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of diversion or points of appropriation.*

4. *Water right Certificates 14257, 49817, 86655, 37342, 79879, and 95332 are cancelled. New certificates will be issued describing the portions of Certificates 14257, 37342, 49817, and 95332 not affected by this transfer.*

5. *For Certificate 14257, the quantity of water diverted at the new additional point of diversion (POD F), together with that diverted at the original point of diversion (POD D), shall not exceed the quantity of water lawfully available at the original point of diversion (PODs D).*

6. *For Certificate 49817, the quantity of water diverted at the new additional point of diversion (POD U), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*

7. *For Certificate 86655, the quantity of water diverted at the new additional point of diversion (POD F), together with that diverted at the original point of diversion (POD M), shall not exceed the quantity of water lawfully available at the original point of diversion (POD M).*

8. *For Certificate 37342, the quantity of water diverted at the new additional point of appropriation (Well 12), together with that diverted at the original point of appropriation (Williams Well No. 1 (AKA Well 15)), shall not exceed the quantity of water lawfully available at the original point of appropriation (Williams Well No. 1 (AKA Well 15)).*

9. *For Certificate 79879, the quantity of water diverted at the new additional point of appropriation (Well 27), together with that diverted at the original point of appropriation (Gies Well (AKA Well 22)), shall not exceed the quantity of water lawfully available at the original point of appropriation (Gies Well (AKA Well 22)).*

10. *For Certificate 95332, the quantity of water diverted at the new additional point of appropriation (Well 27), together with that diverted at the original point of appropriation (Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 3.).*

11. *For Certificates 14257, 49817, and 86655, water shall be acquired from the same source of surface water as the original points of diversion.*

12. *For Certificates 37342, 79879, and 95332, water shall be acquired from the same aquifer (source of ground water) as the original points of appropriation.*

13. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

    The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

14. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. 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.*

15. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on 5/29/2026

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Proposed Final Order was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971-304-5006 or Dante.J.Luongo@water.oregon.gov

If no protest of this Proposed Final Order is received by July 2, 2026**, this Proposed Final Order will become a final order on August 4, 202**6, **without any further action by the Department. Oregon Laws 2025, chapter 575, section 3a(4). However, no later than August 4, 202**6**, the Department may withdraw this Proposed Final Order for reconsideration and issuance of a superseding proposed final order. Oregon Laws 2025, chapter 575, section 3a (5).**

Notification of Intent to Pursue Approval of Transfer through Consent to Injury Process

If this Proposed Final Order determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under the consent to injury process outlined in OAR 690-380-5030 to 690-380-5050.

Protests and Requests for Party Status

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

Protests: Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(1), any person may protest this Proposed Final Order. Protests must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than July 2, 2026.

Protests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, and telephone number;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonable available arguments that support the protestant's position;

- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of $720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of $1,425 required by ORS 536.050.

Requests for Party Status: Under the provisions of Oregon Laws 2025, chapter 575, section 20(7) and section 3a(2), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline specified. Requests for party status must be received by the Water Resources Department no later than **August 3, 202**6.

Requests for party status must be in writing and include the following:

- Names and addresses of the requester and any organization the requester represents;
- Name and address of the requester's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requester seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requester's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requester seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requester's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requester seeks to represent; and
- The request for party status fee of fee of $1,425 required by Oregon Laws 2025, chapter 575, section 3a(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 137-003-0535.

Additional Notices

Notice of the circumstances under which this Proposed Final Order will become a final order: If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

Notice of Right to Pursue Approval of Transfer through Consent to Injury Process after Contested Case Hearing: If after a contested case hearing on this Proposed Final Order the Department issues a proposed order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

Notice of right to be represented by an attorney: You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an "authorized representative" as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice to active duty servicemembers: Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-453-1175, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

If you have questions about how to file a protest or a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.