

**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-13570, 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 April 30, 1970, the Department issued a Final Order (Special Order Volume 19, Page 373), cancelling 12.4 acres under Registration Application GR-1515 (Certificate of Registration GR-1463).
2. On April 3, 1978, Dave Kennedy, partner of Green Villa Farms, signed an affidavit affirming that the remainder of Registration Application GR-1515 (Certificate of Registration GR-1463), being 50.2 acres, has been abandoned and requested those acres be cancelled.

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. A Groundwater Registration certificate is not subject to cancellation procedures. Registrations are for uses that haven't yet been adjudicated (determined by a court), so they don't have a confirmed water right certificate. Only confirmed water rights are subject to cancellation. A certificate of groundwater registration may not be construed as a final determination of any matter stated in the certificate of registration. Such a determination will occur in adjudication proceeding under ORS 537.670 to 537.695, and is not final or conclusive until so determined and a ground water right certificate issued.
4. 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-1513 (Certificate of Registration GR-1463). The Department assigned the application number T-13570.
5. On June 12, 2017, Registration Application GR-1513 (Certificate of Registration GR-1463) was assigned from E. CLEMENS HORST CO. to ACMPC OREGON 2, LLC, DBA HALLS FERRY FARMS.
6. Notice of the application for groundwater registration modification was published on December 22, 2020, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
7. On April 22, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13570 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.
8. On July 14, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13570 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.
9. The groundwater registration to be modified is as follows:

Registration: Application GR-1513 (Certificate of Registration GR-1463), in the name of E. CLEMENS HORST CO. (*assigned to ACMPC OREGON 2, LLC (dba Halls Ferry Farms)*)

Use: IRRIGATION of 62.6 ACRES

Tentative

Priority Date: SEPTEMBER 8, 1951

Quantity: 400 GALLONS PER MINUTE

Source: PUMP WELL #6

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	2	NE SE	PUMP WELL #6 - NORTH 54 DEGREES EAST, 5340 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	1	NW NW	1.6
8 S	4 W	WM	1	NW SW	0.6
8 S	4 W	WM	2	NE NE	20.4
8 S	4 W	WM	2	SE NE	29.4
8 S	4 W	WM	2	NE SE	10.6
Total					62.6

10. Groundwater Registration Modification Application T-13570 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.)
7 S	4 W	WM	35	NW SE	WELL 13 - 800 FEET SOUTH AND 1630 FEET WEST FROM THE E1/4 CORNER OF SECTION 35	0.7 mi.
7 S	4 W	WM	36	SE NW	WELL 12 - 550 FEET WEST FROM THE SE CORNER OF DLC 60	1.1 mi.

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

11. The proposed modification would not result in enlargement of the groundwater registration.
12. 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.
13. The proposed modification would not result in injury to other water rights.

Conclusions of Law

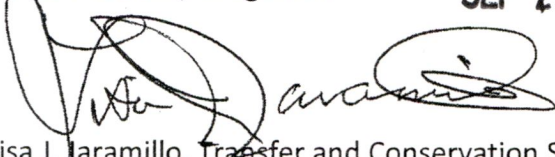
The additional points of appropriation proposed in Groundwater Registration Modification T-13570 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-1515 (Certificate of Registration GR-1463) proposed in Groundwater Registration Modification Application T-13570 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-1515 (Certificate of Registration GR-1463) 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 12 and 13), together with that diverted at the original point of appropriation (Pump Well #6), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well #6).

Dated in Salem, Oregon on

SEP 22 2022



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

Mailing date: **SEP 23 2022**