



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

September 5, 2014

VIA E-MAIL

ECHO RIDGE FARMS INC.
4494 RAYBEL RD NE
SAINT PAUL, OR 97137

ARROWHEAD FARMS INC.
PO BOX 127
SAINT PAUL, OR 97137

WESTWOOD FARMS INC.
PO BOX 82
SAINT PAUL, OR 97137

SUBJECT: Water Right Transfer Application T-11388

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11388. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

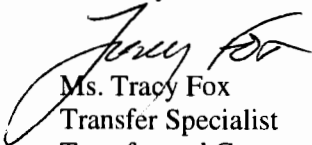
A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at Tracy.L.Fox@wrđ.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,



Ms. Tracy Fox
Transfer Specialist
Transfer and Conservation Section

cc: T-11388
Joel Plahn, District 16 Watermaster (*via e-mail*)
enclosure



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

In the Matter of Ground Water)
Registration Modification Application)
T-11388, Polk County)
)
)
)
)
)

**PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF
RECOGNITION OF MODIFICATION
OF A POINT OF APPROPRIATION
AND ADDITIONAL POINTS OF
APPROPRIATION**

Authority

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.

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.

Applicants

ECHO RIDGE FARMS, INC.
4494 RAYBELL RD NE
SAINT PAUL, OR 97137

WESTWOOD FARMS, INC.
PO BOX 82
SAINT PAUL, OR 97137

ARROWHEAD FARMS, INC.
PO BOX 127
SAINT PAUL, OR 97137

Findings of Fact

1. On March 29, 2012, ECHO RIDGE FARMS, INC., WESTWOOD FARMS, INC., AND ARROWHEAD FARMS, INC. filed a ground water registration modification application to modify the point of appropriation under Registration Application GR-1104 (Certificate of Registration GR-1064). The Department assigned the application number T-11388.
2. Notice of the application for ground water registration modification was published on April 3, 2012, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On September 28, 2012, the Department sent a copy of the draft Preliminary Determination to approve Transfer Application T-11388 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of October 29, 2012, for the applicants to

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

respond. The applicants requested to place Transfer T-11388 on administrative hold for 120 days. This was granted.

4. On December 20, 2013, the Department received a request to place Transfer T-11388 on another administrative hold. A 90 day administrative hold was granted.
5. On May 30, 2014, the applicant amended the application to add two additional points of appropriation to the application. The June 25, 2014, draft Preliminary Determination is issued based on the amended application.
6. On June 25, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11388 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 25, 2014, for the applicants to respond. The applicants 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 Groundwater Registration Modification.
7. The ground water registration to be modified is as follows:

Registration: Application GR-1104 (Certificate of Registration GR-1064), in the name of JOHN I. HAAS, INC. (*assigned to ECHO RIDGE FARMS, INC., WESTWOOD FARMS, INC., AND ARROWHEAD FARMS, INC.*)

Use: IRRIGATION of 133.0 ACRES

Tentative

Priority Date: MAY 31, 1949

Quantity: 900 GALLONS PER MINUTE

Source: PUMP WELL NO. 1 within the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
9 S	3 W	WM	7	NW NE	S 55°15' EAST 14.54 CHAINS FROM THE NW¼ NE¼ OF SECTION 7

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	3 W	WM	6	SE SW	6.0
9 S	3 W	WM	6	SW SE	14.0
9 S	3 W	WM	6	SE SE	8.0
9 S	3 W	WM	7	NE NE	28.0
9 S	3 W	WM	7	NW NE	40.0
9 S	3 W	WM	7	SW NE	14.0
9 S	3 W	WM	7	SE NE	8.0
9 S	3 W	WM	7	NE NW	10.0
9 S	3 W	WM	7	SE NW	5.0
Total:					133.0

8. Ground Water Registration Modification Application T-11388 proposes to modify the location of the original point of appropriation and add additional points of appropriation approximately 400 feet from the original well to Well 1; approximately 968 feet to Well 2; and approximately 1064 feet to Well 3:

Twp	Rng	Mer	Sec	Q-Q	GPS Coordinates
9 S	3 W	WM	7	NW NE	WELL 1: GPS: 44 DEGREES 48 MINUTES 32.92 SECONDS NORTH AND -123 DEGREES 05 MINUTES 55.92 SECONDS WEST
9 S	3 W	WM	6	SW SE	WELL 2: GPS: 44 DEGREES 48 MINUTES 43.26 SECONDS NORTH AND -123 DEGREES 5 MINUTES 56.15 SECONDS WEST
9 S	3 W	WM	7	NE NW	WELL 3: GPS: 44 DEGREES 48 MINUTES 28.55 SECONDS NORTH AND -123 DEGREES 6 MINUTES 13.47 SECONDS WEST

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

9. The proposed modifications would not result in enlargement of the ground water registration.
10. The proposed modifications would not result in injury to other water rights.

Determination and Proposed Action


The modification of the point of appropriation and additional points of appropriation proposed in Ground Water Registration Modification T-11388 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11388 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-1104 (Certificate of Registration GR-1064) proposed in Ground Water Registration Modification Application T-11388 are recognized. Recognition of the modifications 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-1104 (Certificate of Registration GR-1064) 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 and additional points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at the new points of appropriation.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated at Salem, Oregon this 5 day of September, 2014.


Dwight French
Water Right Services Administrator, for
Director
Oregon Water Resources Department

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrds.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266.