

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

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING TO APPROVE
T-12692, Polk County	)	RECOGNITION OF A MODIFICATION
	)	FOR ADDITIONAL POINTS OF
	)	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 ground water 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 ground water registration modification applications.

**Applicant**

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

PAUL N. WATTENBARGER  
1073 7<sup>TH</sup> STREET NW  
SALEM, OR 97304

**Findings of Fact**

1. On June 14, 2017, ACMPC OREGON 2, LLC (DBA HALLS FERRY FARMS) AND PAUL N. WATTENBARGER filed a ground water registration modification application for additional points of appropriation under Registration Application GR-1380 (Certificate of Registration GR-1337). The Department assigned the application number T-12692
2. On June 15, 2017, Registration Application GR-1380 (Certificate of Registration GR-1337) was partially assigned from WALTER H. BROWN to ACMPC OREGON 2, LLC.
3. Notice of the application for ground water registration modification was published on June 20, 2017, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

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.

4. On March 26, 2018, the Department contacted the applicant and the applicant's agent by written correspondence to notify the applicant of a deficiency in the application. The Department requested that the deficiency be resolved by April 26, 2018.
5. On April 27, 2018, Registration Application GR-1380 (Certificate of Registration GR-1337) was partially assigned from WALTER H. BROWN to PAUL N. WATTENBARGER.
6. On June 1, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12692 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 5, 2018, 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 transfer
7. The portion of the ground water registration to be modified is as follows:

**Registration:** Application GR-1380 (Certificate of Registration GR-1337), in the name of WALTER H. BROWN (*partially assigned to ACMPC OREGON 2, LLC and PAUL WATTENBARGER*)

**Use:** IRRIGATION of 51.0 ACRES

**Tentative**

**Priority Date:** JULY 1944

**Quantity:** 300 GALLONS PER MINUTE (gpm)

**Source:** PUMP WELL #1

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	4 W	WM	35	NW SW	65	2340 FEET NORTH AND 1120 FEET EAST FROM THE SW CORNER OF SECTION 35

**Original Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	4 W	WM	34	SE NE	65	12.0
7 S	4 W	WM	34	NE SE	65	12.0
7 S	4 W	WM	35	SW NW	65	7.0
7 S	4 W	WM	35	SE NW	65	1.0
7 S	4 W	WM	35	NE SW	65	7.0
7 S	4 W	WM	35	NW SW	65	12.0
Total						51.0

8. Ground Water Registration Modification Application T-12692 proposes additional points of appropriation. The proposed additional points of appropriation are described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from original well location measured in feet (ft)
7 S	4 W	WM	35	NW SE	65	WELL 13 - 800 FEET SOUTH AND 1630 FEET WEST FROM THE E/14 CORNER OF SECTION 35	2,704.8 ft
7 S	4 W	WM	35	NW SW	65	WELL 17 - 2090 FEET NORTH AND 1170 FEET EAST FROM THE SW CORNER OF SECTION 35	254.6 ft

9. The place of use is described as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	POA to be used	DLC	Acres
7 S	4 W	WM	34	SE NE	WELL 17	65	8.6
7 S	4 W	WM	34	NE SE	WELL 17	65	11.5
7 S	4 W	WM	35	SW NW	WELL 17	65	7.0
7 S	4 W	WM	35	SW NW	WELL 13 AND 17	65	0.2
7 S	4 W	WM	35	SE NW	WELL 13 AND 17	65	0.2
7 S	4 W	WM	35	NE SW	WELL 13 AND 17	65	8.8
7 S	4 W	WM	35	NW SW	WELL 13 AND 17	65	8.4
7 S	4 W	WM	35	NW SW	WELL 17	65	6.3
						Total	51.0

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

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

**Determination and Proposed Action**

The additional points of appropriation proposed in Ground Water Registration Modification T-12692 appears 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 690-382-0900, the modification will be approved.

If Ground Water Registration Modification T-12692 is approved, the final order will include the following:

1. The modification to Registration Application GR-1380 (Certificate of Registration GR-1337) proposed in Ground Water Registration Modification Application T-12692 is recognized. Recognition of the modification 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-1380 (Certificate of Registration GR-1337) 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 additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Dated at Salem, Oregon this       JUL 02 2018      .



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov)

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice Regarding Service Members:** 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. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>