

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

In the Matter of Ground Water)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING APPROVAL OF
T-12494, Marion County)	RECOGNITION OF AN ADDITIONAL
)	POINT 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

WESTWOOD FARMS
PO BOX 128
SAINT PAUL, OR 97137

Findings of Fact

1. On September 29, 2016, WESTWOOD FARMS filed a ground water registration modification application to add an additional point of appropriation under Registration Application GR-2814 (Certificate of Registration GR-2655) and Registration Application GR-533 (Certificate of Registration GR-510). The Department assigned the application number T-12494.
2. Notice of the application for ground water registration modification was published on June 13, 2017, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On September 5, 2017, the Department contacted the agent for the applicant by email regarding a deficiency in the application.
4. On September 8, 2017, the agent for the applicant submitted documentation to satisfy the deficiency.

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.

5. On February 21, 2018, the Department emailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12494 to the applicant and agent. The draft Preliminary Determination cover letter set forth a deadline of March 21, 2018, 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.
6. The first ground water registration to be modified is as follows:

Registration: Application GR-2814 (Certificate of Registration GR-2655), in the name of ELDON PUGH (assigned to ECHO RIDGE FARMS INC.; ARROWHEAD FARMS INC., AND WESTWOOD FARMS, INC.)

Use: IRRIGATION of 48.0 ACRES

Tentative

Priority Date: MARCH 1950

Quantity: 300 GALLONS PER MINUTE

Source: ONE WELL within the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	11	NW NE	7 CHAINS SOUTH AND 39 CHAINS EAST FROM THE NW CORNER OF SECTION 11

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	2	SE SW	14.0
6 S	3 W	WM	2	SW SE	14.0
6 S	3 W	WM	11	NW NE	14.0
6 S	3 W	WM	11	NE NW	6.0
Total					48.0

7. Based on information provided by the CWRE map, the location of the authorized point of appropriation is better described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	11	NW NE	462 FEET SOUTH AND 2574 FEET EAST FROM THE NW CORNER OF SECTION 11

8. Ground Water Registration Modification Application T-12494 proposes an additional point of appropriation approximately 924 feet from the authorized well, located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	2	SE SW	WELL 2 - 230 FEET NORTH AND 650 FEET WEST FROM THE N ¼ CORNER OF SECTION 11

9. The second ground water registration to be modified is as follows:

Registration: Application GR-533 (Certificate of Registration GR-510, in the name of FRANK TONEY (assigned to ECHO RIDGE FARMS INC.; ARROWHEAD FARMS INC., AND WESTWOOD FARMS, INC.)

Use: IRRIGATION of 3.0 ACRES

Tentative

Priority Date: MAY 1954

Quantity: 30 GALLONS PER MINUTE

Source: PUMP WELL within the WILLAMETTE RIVER BASIN

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	11	NW NE	520 FEET SOUTH AND 450 FEET EAST FROM THE N ¼ CORNER OF SECTION 11

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	11	NW NE	3.0
Total					3.0

10. Ground Water Registration Modification Application T-12494 proposes an additional point of appropriation approximately 1334 feet from the authorized well, located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	2	SE SW	WELL 2 - 230 FEET NORTH AND 650 FEET WEST FROM THE N ¼ CORNER OF SECTION 11

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

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

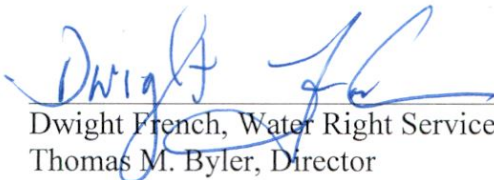
Determination and Proposed Action

The modification in points of appropriation proposed in Ground Water Registration Modification Application T-12494 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 690-382-0900, the modification will be approved.

If Ground Water Registration Modification T-12494 is recognized, the final order will include the following:

- 1. The modifications to Registration Application GR-2814 (Certificate of Registration GR-2655) and Registration Application GR-533 (Certificate of Registration GR-510) 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 registrations or modifications. 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-2814 (Certificate of Registration GR-2655) and Registration Application GR-533 (Certificate of Registration GR-510) 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 point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*

Dated at Salem, Oregon this JUL 09 2018.



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

This Preliminary Determination was prepared by Arla Heard. If you have any questions about the information in this document, you may reach me at 503-986-0806 or arla.l.heard@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>