



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

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July 19, 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

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

SUBJECT: Water Right Transfer Application T-13570

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13570. 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.

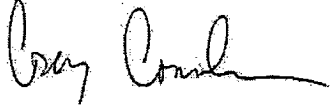
A public notice is being published in the Department's weekly publication and in the Polk County Itemizer-Observer (Dallas) newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed 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 last date of newspaper publication.

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 corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: T-13570
Joel M. Plahn, District 22 Watermaster *(via e-mail)*
William E. McGill, Agent for the applicant *(via e-mail)*

encs

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

In the Matter of Groundwater)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING APPROVAL OF RECOGNITION
T-13570, Polk County)	OF 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 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.

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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.
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

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.

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. 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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	4 W	WM	2	SE NE	29.4
8 S	4 W	WM	2	NE SE	10.6
Total					62.6

9. 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)]

10. The proposed modification would not result in enlargement of the groundwater 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 Groundwater Registration Modification T-13570 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 Groundwater Registration Modification T-13570 is approved, the final order will include the following:

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

JUL 19 2022


Lisa J. Jaramillo, Transfer and Conservation Section Manager, 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 503-979-3917 or corey.a.courchane@water.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 servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.