

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

In the Matter of Permit Amendment)	FINAL ORDER
T-12751, Umatilla County)	APPROVING A CHANGE IN PLACE
)	OF USE

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

Applicant

ST. HILAIRE BROTHERS HERMISTON FARM LLC
84186 HIGHWAY 37
HERMISTON, OR 97838

Findings of Fact

1. On September 21, 2017, ST HILAIRE BROTHERS HERMISTON FARM LLC, filed an application to change in place of use under Permit S-54385. The Department assigned the application number T-12751.
2. On February 10, 2015, the Department approved a partial assignment of the permit from LLOYD AND LOIS PIERCY to ST. HILAIRE BROTHERS HERMISTON FARM LLC.
3. On April 12, 2013, the Department approved an extension of time for complete application of water to October 1, 2023.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on October 3, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notice.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either 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.

5. Permit Amendment Application T-12751 proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	29	NE NW	31.0
4 N	30 E	WM	29	NW NW	32.0
4 N	30 E	WM	29	SW NW	40.0
4 N	30 E	WM	29	SE NW	40.0
4 N	30 E	WM	29	NE SW	40.0
4 N	30 E	WM	29	NW SW	40.0
4 N	30 E	WM	29	SW SW	40.0
4 N	30 E	WM	29	SE SW	40.0
4 N	30 E	WM	30	SE NE	8.5
4 N	30 E	WM	30	NE SE	8.5
4 N	30 E	WM	31	NE NE	40.0
4 N	30 E	WM	31	NW NE	40.0
4 N	30 E	WM	31	SW NE	40.0
4 N	30 E	WM	31	SE NE	40.0
4 N	30 E	WM	31	NE SE	40.0
4 N	30 E	WM	31	NW SE	40.0
4 N	30 E	WM	31	SW SE	40.0
4 N	30 E	WM	31	SE SE	40.0
4 N	30 E	WM	32	NE NW	40.0
4 N	30 E	WM	32	NW NW	40.0
4 N	30 E	WM	32	SW NW	40.0
4 N	30 E	WM	32	SE NW	40.0
4 N	30 E	WM	32	NE SW	40.0
4 N	30 E	WM	32	NW SW	40.0
4 N	30 E	WM	32	SW SW	40.0
4 N	30 E	WM	32	SE SW	40.0
Total					960.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	4	NE NE	18.8
3 N	30 E	WM	4	NW NE	36.4
3 N	30 E	WM	4	SW NE	17.6
3 N	30 E	WM	4	SE NE	33.2
3 N	30 E	WM	4	NE NW	27.6
3 N	30 E	WM	4	NW NW	0.6
3 N	30 E	WM	4	SW NW	0.2
3 N	30 E	WM	4	SE NW	7.2
3 N	30 E	WM	5	NE NE	35.4
3 N	30 E	WM	5	NW NE	28.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	5	SW NE	29.6
3 N	30 E	WM	5	SE NE	27.2
4 N	30 E	WM	27	NE NW	30.4
4 N	30 E	WM	27	NW NW	35.4
4 N	30 E	WM	27	SW NW	36.6
4 N	30 E	WM	27	SE NW	33.2
4 N	30 E	WM	27	NE SW	32.0
4 N	30 E	WM	27	NW SW	35.4
4 N	30 E	WM	27	SW SW	39.9
4 N	30 E	WM	27	SE SW	28.8
4 N	30 E	WM	28	NE NE	39.2
4 N	30 E	WM	28	NW NE	39.6
4 N	30 E	WM	28	SW NE	36.4
4 N	30 E	WM	28	SE NE	34.0
4 N	30 E	WM	28	NE NW	34.4
4 N	30 E	WM	28	NW NW	31.6
4 N	30 E	WM	28	SW NW	32.2
4 N	30 E	WM	28	SE NW	30.8
4 N	30 E	WM	28	NE SW	40.0
4 N	30 E	WM	28	NW SW	31.6
4 N	30 E	WM	28	SW SW	30.9
4 N	30 E	WM	28	SE SW	40.0
4 N	30 E	WM	28	NE SE	40.0
4 N	30 E	WM	28	NW SE	38.0
4 N	30 E	WM	28	SW SE	32.4
4 N	30 E	WM	28	SE SE	39.8
4 N	30 E	WM	29	NE NE	38.4
4 N	30 E	WM	29	NW NE	31.1
4 N	30 E	WM	29	SW NE	32.0
4 N	30 E	WM	29	SE NE	33.0
4 N	30 E	WM	29	NE SE	32.0
4 N	30 E	WM	29	NW SE	30.4
4 N	30 E	WM	29	SW SE	31.4
4 N	30 E	WM	29	SE SE	42.2
4 N	30 E	WM	32	NE NE	31.4
4 N	30 E	WM	32	NW NE	15.2
4 N	30 E	WM	32	SW NE	38.8
4 N	30 E	WM	32	SE NE	35.0
4 N	30 E	WM	32	NE SE	36.0
4 N	30 E	WM	32	NW SE	35.2
4 N	30 E	WM	32	SW SE	10.5
4 N	30 E	WM	32	SE SE	16.0
4 N	30 E	WM	33	NE NE	37.2

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	33	NW NE	38.8
4 N	30 E	WM	33	SW NE	40.0
4 N	30 E	WM	33	SE NE	34.4
4 N	30 E	WM	33	NE NW	38.1
4 N	30 E	WM	33	NW NW	39.4
4 N	30 E	WM	33	SW NW	38.5
4 N	30 E	WM	33	SE NW	39.1
4 N	30 E	WM	33	NE SW	24.1
4 N	30 E	WM	33	NW SW	40.0
4 N	30 E	WM	33	SW SW	24.4
4 N	30 E	WM	33	SE SW	17.4
4 N	30 E	WM	33	NE SE	18.8
4 N	30 E	WM	33	NW SE	39.0
4 N	30 E	WM	33	SW SE	13.2
4 N	30 E	WM	33	SE SE	22.4
4 N	30 E	WM	34	NE NW	38.6
4 N	30 E	WM	34	NW NW	38.5
4 N	30 E	WM	34	SW NW	37.0
4 N	30 E	WM	34	SE NW	34.0
4 N	30 E	WM	34	NE SW	12.8
4 N	30 E	WM	34	NW SW	27.9
4 N	30 E	WM	34	SW SW	2.8
Total					2289.4

Permit Amendment Review Criteria

6. The change would not result in injury to other water rights.
7. The proposed place of use is owned and/or controlled by the permit holder.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.
10. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-12751 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-12751 is approved.
1. Permit S-55183, in the name of LLOYD AND LOIS PIERCY AND ST. HILAIRE BROTHERS HERMISTON FARM LLC, is issued to replace Permit S-54385, and incorporates the amendments approved by this order, the assignment, and the extension of time. Permit S-54385, in the name of LLOYD AND LOIS PIERCY, is no longer of any force or effect.
2. 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 each point of diversion (new and existing).
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
3. The former place of use shall no longer be irrigated as part of this permit.
4. All other terms and conditions of Permit S-55183 remain the same.

Dated at Salem, Oregon this DEC 20 2018



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

Mailing Date: DEC 21 2018