

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-12770, Union County	)	APPROVING A CHANGE IN PLACE
	)	OF USE AND PARTIAL
	)	CANCELLATION OF WATER RIGHTS

**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 appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

R.D. MAC, INC.  
60831 MCALISTER RD  
LA GRANDE, OR 97850

**Findings of Fact**

1. On November 7, 2017, R.D. MAC, INC. filed an application to change the place of use under Permit G-13726. The Department assigned the application number T-12770.
2. On July 29, 2016, the Department approved an extension of time for complete application of water to October 1, 2018.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on November 14, 2017, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. On August 3, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by September 4, 2018.
5. On August 10, 2018, the Department received an Affidavit of Consent by Deeded Landowner signed by Deer Butte, LLC.

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.

6. Permit Amendment Application T-12770 proposes to change the place of use of the permit to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	15	SE NE	13.8

***Permit Amendment Review Criteria***

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

***Partial Cancellation of a Water Right***

12. On August 10, 2018, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Henry and Judith Bishop, Members of Deer Butte, LLC, and Jerome Coleman, President of R.D. Mac, Inc. The right to be cancelled is as follows:

**Certificate:** 82075 in the name of Grande Ronde Valley Irrigation Company (perfected under Permit S-902)  
**Use:** IRRIGATION of 3.8 ACRES  
**Priority Date:** JULY 25, 1911  
**Rate:** 0.05 CUBIC FOOT PER SECOND  
**Source:** GRANDE RONDE RIVER, a tributary of COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
2 S	38 E	WM	32	SW SW

**Authorized Place of Use to be Cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	15	SE NE	3.8

13. On August 10, 2018, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Henry and Judith Bishop, Members of Deer Butte, LLC, and Jerome Coleman, President of R.D. Mac, Inc. The right to be cancelled is as follows:

**Certificate:** 85113 in the name of Grande Ronde Valley Irrigation Company (perfected under Permit S-902)  
**Use:** IRRIGATION of 10.0 ACRES  
**Priority Date:** JULY 25, 1911

**Rate:** 0.13 CUBIC FOOT PER SECOND (CFS), IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS BEING WITHIN THE SW1/4 SW1/4, SECTION 32, T2S, R38E, WM  
**Source:** GRANDE RONDE RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	38 E	WM	32	SW SE	640 FEET NORTH AND 190 FEET EAST FROM THE S1/4 CORNER OF SECTION 32

**Authorized Place of Use to be Cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	15	SE NE	10.0

14. On August 10, 2018, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Henry and Judith Bishop, Members of Deer Butte, LLC, and Jerome Coleman, President of R.D. Mac, Inc. The right to be cancelled is as follows:

**Certificate:** 87425 in the name of Grande Ronde Valley Irrigation Company (perfected under Permit S-22904)  
**Use:** SUPPLEMENTAL IRRIGATION of 3.8 ACRES  
**Priority Date:** NOVEMBER 24, 1953  
**Rate:** 0.04 CUBIC FOOT PER SECOND  
**Source:** GEKELER SLOUGH (sometimes called Mill Creek), a tributary to the GRANDE RONDE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
2 S	38 E	WM	15	SW NW

**Authorized Place of Use to be Cancelled:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	15	SE NE	3.8

**Conclusions of Law**

The change in place of use proposed by Permit Amendment Application T-12770 is consistent with the requirements of ORS 537.211 and the abandoned rights should be cancelled.

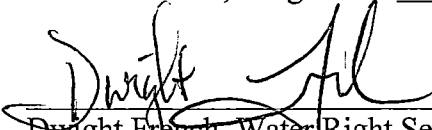
**Now, therefore, it is ORDERED:**

1. The change in place of use proposed by Permit Amendment Application T-12770 is approved. The portions of the rights that have been abandoned are cancelled.
2. Permit G-18101, in the name of R.D. MAC INC.; HARRY T. COLLMAN AND GREG BLACKMAN, is issued to replace Permit G-13726, and incorporates the amendments approved by this order, and the extension of time. Permit G-13726, in the name of R.D.

MAC INC.; HARRY T. COLLMAN AND GREG BLACKMAN, is no longer of any force or effect.

3. The former place of use shall no longer be irrigated as part of this permit.
4. All other terms and conditions of Permit G-18101 remain the same.

Dated at Salem, Oregon this AUG 24 2018.



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

*Mailing Date:* AUG 27 2018