

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING A
T-11889, Crook County) CHANGE IN PLACE OF USE

Authority

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

ULUPALAKUA RANCH INC.
PO BOX 901
KULA, HI 96790

Findings of Fact

1. On September 15, 2014, ULUPALAKUA RANCH INC. filed an application to change the place of use under Permit G-12895. The Department assigned the application number T-11889.
2. On March 10, 2004, the Department approved an extension of time for complete application of water to October 1, 2005.
3. On August 1, 2014, the Department approved an extension of time for complete application of water to October 1, 2024.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on September 23, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. Water Right Transfer Application T-11836 in the name of White Deer Ranch and Ulupalakua Ranch Inc., which was accepted by the Department on June 11, 2014, is to be worked concurrently with T-11889, to resolve the 3.5 acres of layered water rights present at the location of the lands being transferred.

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 137-004-080 and OAR 690-01-005 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-11889 proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	13	NW SE	0.5
15 S	15 E	WM	13	NE SE	11.5
15 S	15 E	WM	13	SE SW	1.0
15 S	15 E	WM	13	SW SE	26.0
15 S	15 E	WM	13	SE SE	38.1
15 S	15 E	WM	24	NE NE	2.2
15 S	15 E	WM	24	NW NE	37.4
15 S	15 E	WM	24	NE NW	8.2
15 S	15 E	WM	24	SE NW	3.1
15 S	15 E	WM	24	SW NE	33.3
15 S	15 E	WM	24	NW SE	31.4
15 S	15 E	WM	24	NE SW	6.3
15 S	15 E	WM	24	SE SW	5.7
15 S	15 E	WM	24	SW SE	24.5
15 S	15 E	WM	25	NW NE	10.2
15 S	15 E	WM	25	NE NW	3.1
15 S	16 E	WM	18	NE SW	0.1
15 S	16 E	WM	18	NW SW	14.5
15 S	16 E	WM	18	SW SW	12.9
Total					270.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	15 E	WM	13	SE SE	0.5
15 S	15 E	WM	24	NE NE	30.0
15 S	15 E	WM	24	NW NE	3.4
15 S	15 E	WM	24	SW NE	5.6
15 S	15 E	WM	24	SE NE	14.7
15 S	15 E	WM	24	NE SE	18.8
15 S	15 E	WM	24	NW SE	6.6
15 S	15 E	WM	24	SW SE	15.5
15 S	15 E	WM	24	SE SE	9.9
15 S	15 E	WM	25	NE NE	14.4
15 S	15 E	WM	25	NW NE	6.5
15 S	16 E	WM	18	SE NW	3.9
15 S	16 E	WM	18	NE SW	26.0
15 S	16 E	WM	18	NW SW	0.7
15 S	16 E	WM	18	SW SW	10.0
15 S	16 E	WM	18	NE NW	6.2
15 S	16 E	WM	18	NW NE	6.1
15 S	16 E	WM	18	NW SE	3.0
15 S	16 E	WM	18	SE SW	14.4
15 S	16 E	WM	18	SW SE	1.3
15 S	16 E	WM	19	NE NW	36.0
15 S	16 E	WM	19	NW NW	14.0
15 S	16 E	WM	19	SE NW	16.0
15 S	16 E	WM	19	NE SW	4.7
Total					268.2

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.

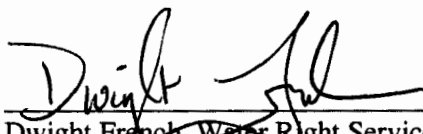
Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-11889 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-11889 is approved.
2. Permit G-17314, in the name of Ulupalakua Ranch Inc., is issued to replace Permit G-12895, and incorporates the amendments approved by this order, and the extensions of time. Permit G-12895, in the name of ULUPALAKUA RANCH INC., 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-17314 remain the same.

Dated at Salem, Oregon this 12 day of June, 2015.



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

Mailing Date: JUN 18 2015