

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

In the Matter of Permit G-17907,)	FINAL ORDER
Crook County, Oregon)	APPROVING ASSIGNMENT OF A
)	WATER RIGHT PERMIT AND
)	ISSUANCE OF REPLACEMENT
)	WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicant

GARRY AND KATHRYN LIKENS
13111 SW UMBARGER RD
POWELL BUTTE, OR 97753

Applicant

ROBERT AND JUDY CALCOTE
5300 228th AVENUE SE
ISSAQUAH WA 98029

Findings of Fact

Background

- On May 6, 2019, GARRY AND KATHRYN LIKENS AND ROBERT AND JUDY CALCOTE filed an application for partial assignment of Water Right Permit G-17907 and requested issuance of replacement permits. The Department assigned the application number T-13178.
- On January 5, 2018, the Department approved an extension of time for complete application of water to October 1, 2022.
- The Applicants identified the following landowners within the authorized place of use, who are not participating in the request for assignment:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
Anthony Dorsch Brian Rost 203 North Canyon Drive Redmond, OR 97756	0.5	0.006	16S	14E	WM	4	SE SE	901

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.

4. The Permit to be modified and assigned is as follows:

Permit: G-17907 in the names of ROBERT AND JUDY CALCOTE, ANTHONY DORSCH AND BRIAN ROST, GARRY AND KATHRYN LIKENS
Use: IRRIGATION OF 1.5 ACRE
Priority Date: JUNE 13, 2005
Quantity: 0.018 CUBIC FOOT PER SECOND
Rate/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: APRIL 1 THROUGH OCTOBER 31
Source: A WELL (CROO 3243) in DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SW NE	504	0.5
16 S	14 E	WM	3	SE NE	502	0.5
16 S	14 E	WM	4	SE SE	901	0.5
Total						1.5

5. The Applicants request Permit G-17907 be split and replacement permits be issued as follows:

Permit A: GARRY AND KATHRYN LIKENS:

Use: IRRIGATION OF 0.5 ACRE
Priority Date: JUNE 13, 2005
Quantity: 0.006 CUBIC FOOT PER SECOND
Rate/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: APRIL 1 THROUGH OCTOBER 31
Source: A WELL (CROO 3243) in DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SE NE	502	0.5

Permit B: ROBERT AND JUDY CALCOTE:

Use: IRRIGATION OF 0.5 ACRE
Priority Date: JUNE 13, 2005
Quantity: 0.006 CUBIC FOOT PER SECOND
Rate/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: APRIL 1 THROUGH OCTOBER 31
Source: A WELL (CROO 3243) in DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SW NE	504	0.5

Permit C: ANTHONY DORSCH AND BRIAN ROST:

Use: IRRIGATION OF 0.5 ACRE
Priority Date: JUNE 13, 2005
Quantity: 0.006 CUBIC FOOT PER SECOND
Rate/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: APRIL 1 THROUGH OCTOBER 31
Source: A WELL (CROO 3243) in DRY RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	4	SE SE	901	0.5

6. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on February 4, 2020, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.
7. On May 5, 2020, the Department issued a Proposed Final Order considering any comments received, and sent a copy to the applicant, each owner of land upon which the water right permit is appurtenant. Notice of the Proposed Final Order was published in the Department's weekly notice on May 12, 2020. No protests were filed in response to the notice.

Split a Permit Review Criteria

8. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
Garry and Kathryn Likens 13111 SW Umbarger Rd Powell Butte, OR 97753	0.5	0.006	16S	14E	WM	3	SE NE	502
Robert and Judy Calcote 5300 228 th Avenue SE Issaquah, WA 98029	0.5	0.006	16S	14E	WM	3	SW NE	504
Anthony Dorsch Brian Rost 203 North Canyon Drive Redmond, OR 97756	0.5	0.006	16S	14E	WM	4	SE SE	901

9. The deeds supplied with the application, match the properties proposed for assignment.
10. The applicant affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
11. The assignment and issuance of replacement permits would not result in injury to other water right holders.
12. The assignment and issuance of replacement permits would not result in enlargement of the permit.
13. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17907.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13178 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325.

Now, therefore, it is ORDERED:

1. The assignment and issuance of replacement permits proposed by Application T-13178 are approved.
2. Permit G-18242, in the names of Garry L. and Kathryn A. Likens, Permit G-18243 in the names of Robert and Judy Calcote, and Permit G-18244 in the names of Anthony Dorsch and Brian Rost are issued to supersede Permit G-17907 (original permit). Permit G-17907 (original permit) is no longer of any force or affect.
3. All other terms and conditions under Permit G-17907 (original permit) are incorporated into Permits G-18242, G-18243, and G-18244 (all superseding permits).

Dated in Salem, Oregon on **AUG 06 2020**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **AUG 07 2020**