

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

In the Matter of Permit Amendment)
T-11666, Morrow County)
)
)
)
)

**FINAL ORDER
APPROVING A CHANGE IN POINTS
OF APPROPRIATION AND AN
ADDITIONAL POINT OF
APPROPRIATION**

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

THREEMILE CANYON FARMS LLC
75906 THREEMILE RD
BOARDMAN, OR 97818

Findings of Fact

1. On September 25, 2013, THREEMILE CANYON FARMS LLC filed an application to change the points of appropriation and add an additional point of appropriation under Permit G-15144. The Department assigned the application number T-11666.
2. On October 21, 2011, the Department approved an extension of time for complete application of water to October 1, 2021.
3. On JANUARY 30, 2013, the Department approved an assignment of the permit to THREEMILE CANYON FARMS LLC AND COÖPERATIEVE CENTRALE RAIFFEISEN-BOERENLEENBANK, B. A., RABOBANK NEDERLAND.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on October 1, 2013, and in the Hermiston Herald newspaper on February 21, and 28, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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. On December 29, 2014, the Department contacted the applicant's agent by e-mail to notify them of deficiencies in the application. The deficiencies mainly being some discrepancies in locations, the Tables needed some amendments and the COÖPERATIEVE CENTRALE RAIFFEISEN-BOERENLEENBANK, B. A., RABOBANK NEDERLAND was not included as an applicant neither was there a Consent from them. The Department requested that the deficiencies be resolved by January 30, 2015.
6. On December 29, and 30, 2014 and February 9, 2015, the agent submitted documents resolving the deficiencies.
7. On February 4, 2015, the Department sent a draft final order and draft superseding permit to the applicant's agent for their review.
8. Permit Amendment Application T-11666 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well
3 N	23 E	WM	26	SE NE	WELL 2: 1845 FEET SOUTH AND 990 FEET WEST FROM THE NE CORNER OF SECTION 26	WELL 1: 0.3 MI WELL 2: 125 FT WELL 3: 1.7 MI WELL 4: 1.7 MI
3 N	23 E	WM	24	NE SE	WELL 3: 1955 FEET NORTH AND 510 FEET WEST FROM THE SE CORNER OF SECTION 24	WELL 1: 1.5 MI WELL 2: 1.3 MI WELL 3: 0.5 MI WELL 4: 0.5 MI
3 N	23 E	WM	24	NE NE	WELL 4: 1020 FEET SOUTH AND 80 FEET WEST FROM THE NE CORNER OF SECTION 24	WELL 1: 1.8 MI WELL 2: 1.7 MI WELL 3: 351 FT WELL 4: 474 FT
3 N	23 E	WM	26	SW NE	WELL 6: 1800 FEET SOUTH AND 2575 FEET WEST FROM THE NE CORNER OF SECTION 26	WELL 1: 294 FT WELL 2: 0.3 MI WELL 3: 1.9 MI WELL 4: 1.9 MI

9. Permit Amendment Application T-11666 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well
3 N	23 E	WM	27	NW SE	WELL 5: 3075 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER OF SECTION 27	WELL 1: 1.1 MI WELL 2: 1.3 MI WELL 3: 2.9 MI WELL 4: 2.9 MI

Permit Amendment Review Criteria

10. The changes would not result in injury to other water rights.
11. The changes do not enlarge the permit.
12. The changes do not alter any other terms of the permit.

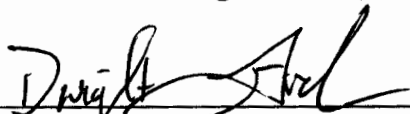
Conclusions of Law

The change in points of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11666 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and additional point of appropriation proposed by Permit Amendment Application T-11666 are approved.
1. Permit G-17343, in the name of THREEMILE CANYON FARMS LLC AND COÓPERATIEVE CENTRALE RAIFFEISEN-BOERENLEENBANK, B. A., RABOBANK NEDERLAND, is issued to replace Permit G-15144, and incorporates the amendments approved by this order, the extension of time and the assignment. Permit G-15144, in the name of THREEMILE CANYON FARMS LLC is no longer of any force or effect.
2. The combined quantity of water diverted at the new and additional point of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-17343 remain the same.

Dated at Salem, Oregon this 9 day of March, 2015.



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

Mailing Date: MAR 12 2015