

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING
T-13325, Morrow County) A CHANGE IN POINTS OF
) APPROPRIATION AND 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 appropriation and/or place of use authorized under an existing water right permit.

Applicant

THREEMILE CANYON FARMS, INC.
(GREG HARRIS, MANAGER)
75906 THREEMILE RD.
BOARDMAN, OR 97818

Findings of Fact

1. On December 19, 2019, THREEMILE CANYON FARMS, INC. (GREG HARRIS, MANAGER), filed an application to change the points of appropriation and a change in place of use under Permit G-13880. The Department assigned the application number T-13325.
2. On September 9, 2010, the Department approved an assignment of the permit to Threemile Canyon Farms, LLC.
3. On December 8, 2015, the Department approved an assignment of the permit to Threemile Canyon Farms, LLC and Wells Fargo Bank National Association, as Administrative Agent.
4. On January 8, 2012, the Department approved an extension of time for complete application of water to October 1, 2020.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on January 7, 2020, and in the Hermiston Herald newspaper on August 19 and August 26, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
6. On January 28, 2020, the Department contacted the agent requesting the original Affidavit of Consent. Further, the Department pointed out water right layering that could occur with the transfer.

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.

7. On February 7, 2020, the applicant's agent replied by email, pointing out that, due to the nature of the settlement agreement, the layering would not be an issue in this particular transfer.
8. On February 10, 2020, the Department received the original Affidavit of Consent.
9. Permit Amendment Application T-13325 proposes changes in the points of appropriation under permit G-13880 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	24 E	WM	1	SE SW	INLAND WELL 2 – (MORR 52045) 509 FEET NORTH AND 2180 FEET EAST FROM THE SW CORNER OF SECTION 1
3 N	24 E	WM	2	SW NW	INLAND OBSERVATION WELL - (MORR 52279) 2489 FEET SOUTH AND 770 FEET EAST FROM THE NW CORNER OF SECTION 2
3 N	24 E	WM	2	NE SE	INLAND WELL 1 – (MORR 52037) 1777 FEET NORTH AND 626 FEET WEST FROM THE SE CORNER OF SECTION 2
3 N	24 E	WM	11	SE NW	INLAND WELL 5 – (MORR 52130) 2237 FEET SOUTH AND 1954 FEET EAST FROM THE NW CORNER OF SECTION 11
3 N	24 E	WM	13	NE NW	INLAND WELL 3 – (MORR 52132) 868 FEET SOUTH AND 1526 FEET EAST FROM THE NW CORNER OF SECTION 13
3 N	24 E	WM	14	NW SE	INLAND WELL 4 – (MORR 52131) 1953 FEET NORTH AND 1628 FEET WEST FROM THE SE CORNER OF SECTION 14

10. Approximate distances of proposed points of appropriation from authorized points of appropriation, in miles (mi.):

Proposed Well	Well 1A	Well 2A	Well 3A	Well 4A	Well 5A	Well 6A	Well 7A	Well 8A	Well 9A
Inland Well 1	2.8 mi.	3.5 mi.	1.5 mi.	0.3 mi.	4.2 mi.	1.5 mi.	2.4 mi.	2.3 mi.	2.7 mi.
Inland Well 2	3.3 mi.	4.1 mi.	2.0 mi.	0.5 mi.	4.7 mi.	1.8 mi.	3.0 mi.	2.7 mi.	3.2 mi.
Inland Well 3	4.4 mi.	4.6 mi.	3.0 mi.	1.7 mi.	5.5 mi.	1.5 mi.	3.6 mi.	2.3 mi.	3.3 mi.
Inland Well 4	4.7 mi.	4.4 mi.	3.2 mi.	2.2 mi.	5.5 mi.	1.2 mi.	3.5 mi.	1.8 mi.	3.0 mi.
Inland Well 5	4.7 mi.	4.4 mi.	3.2 mi.	2.2 mi.	5.5 mi.	1.2 mi.	3.5 mi.	1.8 mi.	3.0 mi.
Inland Observation Well	2.5 mi.	2.7 mi.	1.0 mi.	1.0 mi.	3.5 mi.	1.4 mi.	1.6 mi.	1.9 mi.	2.0 mi.

11. Permit Amendment Application T-13325 also proposes a change in place of use under permit G-13880 as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
3 N	24 E	WM	1	NE SW	10.0	Inland Wells 1 - 5
3 N	24 E	WM	1	NW SW	31.1	Inland Wells 1 - 5
3 N	24 E	WM	1	SW SW	40.2	Inland Wells 1 - 5
3 N	24 E	WM	1	SE SW	13.7	Inland Wells 1 - 5
3 N	24 E	WM	2	SW SW	0.2	Inland Wells 1 - 5
3 N	24 E	WM	2	SE SW	1.9	Inland Wells 1 - 5
3 N	24 E	WM	2	NE SE	7.3	Inland Wells 1 - 5
3 N	24 E	WM	2	SW SE	0.4	Inland Wells 1 - 5
3 N	24 E	WM	2	SE SE	16.2	Inland Wells 1 - 5
3 N	24 E	WM	10	NE NE	5.1	Inland Wells 1 - 5
3 N	24 E	WM	10	NW NE	1.3	Inland Wells 1 - 5
3 N	24 E	WM	10	SW NE	12.2	Inland Wells 1 - 5

IRRIGATION						
Twp	Rng	-Mer	Sec	Q-Q	Acres	Wells
3 N	24 E	WM	10	SE NE	8.5	Inland Wells 1 - 5
3 N	24 E	WM	10	NE NW	11.8	Inland Wells 1 - 5
3 N	24 E	WM	10	SE NW	11.7	Inland Wells 1 - 5
3 N	24 E	WM	10	NE SW	0.5	Inland Wells 1 - 5
3 N	24 E	WM	10	NE SE	4.5	Inland Wells 1 - 5
3 N	24 E	WM	11	NE NE	26.5	Inland Wells 1 - 5
3 N	24 E	WM	11	NW NE	4.7	Inland Wells 1 - 5
3 N	24 E	WM	11	SW NE	28.9	Inland Wells 1 - 5
3 N	24 E	WM	11	SE NE	35.1	Inland Wells 1 - 5
3 N	24 E	WM	11	NW NW	10.8	Inland Wells 1 - 5
3 N	24 E	WM	11	SW NW	2.7	Inland Wells 1 - 5
3 N	24 E	WM	11	SE NW	5.5	Inland Wells 1 - 5
3 N	24 E	WM	11	NE SW	17.6	Inland Wells 1 - 5
3 N	24 E	WM	11	SE SW	1.1	Inland Wells 1 - 5
3 N	24 E	WM	11	NE SE	35.1	Inland Wells 1 - 5
3 N	24 E	WM	11	NW SE	40.1	Inland Wells 1 - 5
3 N	24 E	WM	11	SW SE	7.5	Inland Wells 1 - 5
3 N	24 E	WM	11	SE SE	4.9	Inland Wells 1 - 5
3 N	24 E	WM	12	NW NE	12.3	Inland Wells 1 - 5
3 N	24 E	WM	12	SW NE	23.4	Inland Wells 1 - 5
3 N	24 E	WM	12	SE NE	1.9	Inland Wells 1 - 5
3 N	24 E	WM	12	NE NW	36.6	Inland Wells 1 - 5
3 N	24 E	WM	12	NW NW	26.3	Inland Wells 1 - 5
3 N	24 E	WM	12	SW NW	34.2	Inland Wells 1 - 5
3 N	24 E	WM	12	SE NW	40.6	Inland Wells 1 - 5
3 N	24 E	WM	12	NE SW	29.2	Inland Wells 1 - 5
3 N	24 E	WM	12	NW SW	38.5	Inland Wells 1 - 5
3 N	24 E	WM	12	SW SW	31.4	Inland Wells 1 - 5
3 N	24 E	WM	12	SE SW	33.6	Inland Wells 1 - 5
3 N	24 E	WM	12	NE SE	33.8	Inland Wells 1 - 5
3 N	24 E	WM	12	NW SE	39.3	Inland Wells 1 - 5
3 N	24 E	WM	12	SW SE	37.8	Inland Wells 1 - 5
3 N	24 E	WM	12	SE SE	29.5	Inland Wells 1 - 5
3 N	24 E	WM	13	NE NE	5.6	Inland Wells 1 - 5
3 N	24 E	WM	13	NW NE	38.8	Inland Wells 1 - 5
3 N	24 E	WM	13	SW NE	36.2	Inland Wells 1 - 5
3 N	24 E	WM	13	SE NE	4.5	Inland Wells 1 - 5
3 N	24 E	WM	13	NE NW	30.8	Inland Wells 1 - 5
3 N	24 E	WM	13	NW NW	31.2	Inland Wells 1 - 5
3 N	24 E	WM	13	SW NW	37.8	Inland Wells 1 - 5
3 N	24 E	WM	13	SE NW	34.9	Inland Wells 1 - 5
3 N	24 E	WM	13	NE SW	39.9	Inland Wells 1 - 5
3 N	24 E	WM	13	NW SW	31.4	Inland Wells 1 - 5
3 N	24 E	WM	13	SW SW	15.3	Inland Wells 1 - 5
3 N	24 E	WM	13	SE SW	10.0	Inland Wells 1 - 5
3 N	24 E	WM	13	NW SE	1.7	Inland Wells 1 - 5
3 N	24 E	WM	14	NE NE	4.6	Inland Wells 1 - 5
3 N	24 E	WM	14	NW NE	5.4	Inland Wells 1 - 5
3 N	24 E	WM	14	SW NE	37.9	Inland Wells 1 - 5
3 N	24 E	WM	14	SE NE	30.5	Inland Wells 1 - 5
3 N	24 E	WM	14	NE NW	2.5	Inland Wells 1 - 5

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
3 N	24 E	WM	14	SW NW	25.2	Inland Wells 1 - 5
3 N	24 E	WM	14	SE NW	36.0	Inland Wells 1 - 5
3 N	24 E	WM	14	NE SW	34.0	Inland Wells 1 - 5
3 N	24 E	WM	14	NW SW	37.6	Inland Wells 1 - 5
3 N	24 E	WM	14	SW SW	24.9	Inland Wells 1 - 5
3 N	24 E	WM	14	SE SW	24.2	Inland Wells 1 - 5
3 N	24 E	WM	14	NE SE	35.7	Inland Wells 1 - 5
3 N	24 E	WM	14	NW SE	33.5	Inland Wells 1 - 5
3 N	24 E	WM	14	SW SE	23.3	Inland Wells 1 - 5
3 N	24 E	WM	14	SE SE	30.3	Inland Wells 1 - 5
3 N	24 E	WM	15	NE NE	2.5	Inland Wells 1 - 5
3 N	24 E	WM	15	SW NE	22.1	Inland Wells 1 - 5
3 N	24 E	WM	15	SE NE	32.8	Inland Wells 1 - 5
3 N	24 E	WM	15	SE NW	9.1	Inland Wells 1 - 5
3 N	24 E	WM	15	NE SE	33.2	Inland Wells 1 - 5
3 N	24 E	WM	15	NW SE	17.0	Inland Wells 1 - 5
3 N	24 E	WM	15	SE SE	5.8	Inland Wells 1 - 5
TOTAL					1671.7	

Permit Amendment Review Criteria

12. The changes would not result in injury to other water rights.
13. The proposed place of use is owned and/or controlled by the permit holder.
14. The changes do not enlarge the permit.
15. The changes do not alter any other terms of the permit.
16. The proposed place of use is not contiguous to the authorized place of use, in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the Federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency.

Conclusions of Law

The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-13325 is consistent with the requirements of ORS 537.211.

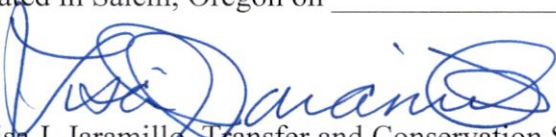
Now, therefore, it is ORDERED:

1. The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-13325 are approved.
2. Permit G-18414, in the name of Threemile Canyon Farms, LLC and Wells Fargo Bank, National Association, as Administrative Agent, is issued to replace Permit G-13880, and incorporates the amendments approved by this order, the extension of time, and the

assignments. Permit G-13880, in the name of Threemile Canyon Farms, LLC and Wells Fargo Bank, National Association, as Administrative Agent, is no longer of any force or effect.

3. The quantity of water diverted at the new points of appropriation, (Inland Wells 1 – 5), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Wells 1A – 9A).
4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. The former place of use shall no longer be irrigated as part of this permit.
6. All other terms and conditions of Permit G-18414 remain the same.

Dated in Salem, Oregon on SEP 22 2020



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

Mailing Date: SEP 23 2020