BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit G-13843,)	FINAL ORDER
Umatilla County)	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

WESLIE ADAMS AND KAREN ADAMS 30875 KLAUS ROAD HERMISTON, OR 97838 JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ 303 WALLA WALLA STREET UMATILLA, OR 97882

Findings of Fact

Background

- 1. On April 20, 2021, WESLIE ADAMS AND KAREN ADAMS, JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ, filed an application for partial assignment of Water Right Permit G-13843 and requested issuance of replacement permits. The Department assigned the application number T-13760.
- 2. On October 2, 2007, the Department approved a partial assignment of Permit G-13843 from Don Huffman to Donna M. and Mark W. Beverage.
- 3. On January 24, 2008, the Department approved an extension of time for complete application of water to October 1, 2009.
- 4. On October 15, 2008, the Department approved an assignment from Donna M. and Mark W. Beverage to Kim A. Williams.

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.

- 5. On December 29, 2008, the Department approved a partial assignment of Permit G-13843 from Kim. A. Williams to Hoot Abraham Royer.
- On June 8, 2009, the Department approved Permit Amendment T-10871 approving a change in point of appropriation, recorded at Special Order Volume 78, pages 66-68.
- 7. On September 9, 2011, the Department approved an extension of time for complete application of water to October 1, 2014
- On September 9, 2014, the Department approved a partial assignment of Permit G-13843 from Hoot Abraham Royer to Robert S. Carr and Joann Carr.
- 9. On September 9, 2014, the Department approved a partial assignment of Permit G-13843 from Hoot Abraham Royer to Weslie F Adams and Karen Adams.
- On January 30, 2015, the Department approved an extension of time for complete application of water to October 1, 2019.
- 11. On December 4, 2020, the Department approved an extension of time for complete application of water to October 1, 2023.
- 12. On March 10, 2021, the Department approved a partial assignment of Permit G-13843 from Robert S. Carr and Joann Carr to Juventino Madrigal Cardozo and Monica Rodriguez.
- 13. On March 22, 2022, the Department approved a partial assignment of Permit G-13843 from Kim Williams to Affordable Homes of Oregon, Inc., Lester B. Jones.
- 14. The Permit to be modified and assigned is as follows:

Permit:

G-13843 (modified by Permit Amendment T-10871) in the name of

AFFORDABLE HOMES OF OREGON, INC., LESTER B. JONES, WESLIE ADAMS,

KAREN ADAMS, JUVENTINO MADRIGAL CARDOZA, AND MONICA

RODRIGUEZ

Use:

IRRIGATION of 38.72 ACRES

Priority Date: AUGUST 5, 1999

Rate:

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF

0.484 CUBIC FOOT PER SECOND (CFS), BEING 0.156 CFS FROM WELL 1 AND

0.203 CFS FROM EACH OF WELLS 2 AND 3

Limit/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: MARCH 1 THROUGH OCTOBER 31

Source:

FOUR WELLS in UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SE NE	WELL 1 - 900 FEET NORTH AND 900 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 2 - 340 FEET NORTH AND 690 FEET WEST
	20 0	VVIVI	21	JE NE	FROM THE E1/4 CORNER OF SECTION 27
5 N	28 È	WM	27	SE NE	WELL 3 - 1060 FEET NORTH AND 545 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 4 - 50 FEET NORTH AND 636 FEET WEST FROM THE E1/4 CORNER OF SECTION 27

Authorized Place of Use:

	IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	POA				
5 N	28 E	WM	27	SE NE	7.67	WELL 4				
5 N	28 E	WM	27	SE NE	31.05	WELL 1, WELL 2, WELL 3				
		•		TOTAL	38.72					

15. The Applicants request Permit G-13483 be split and replacement permits be issued as follows:

Permit A: WESLIE ADAMS AND KAREN ADAMS

Use:

IRRIGATION of 4.0 ACRES

Priority Date: AUGUST 5, 1999

Rate:

0.050 CUBIC FOOT PER SECOND

Limit/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: MARCH 1 THROUGH OCTOBER 31

Source:

A WELL within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances		
5 N	28 E	WM	27	SE NE	WELL 4 - 50 FEET NORTH AND 636 FEET WEST FROM THE E1/4 CORNER OF SECTION 27		

Authorized Place of Use:

IRRIGATION								
Twp	Rng Mer Sec Q-Q Acres							
5 N	28 E	WM	27	SE NE	4.0			

Permit B: JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ

Use:

IRRIGATION of 3.67 ACRES

Priority Date: AUGUST 5, 1999

Rate:

0.046 CUBIC FOOT PER SECOND

Limit/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: MARCH 1 THROUGH OCTOBER 31

Source:

A WELL within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SE NE	WELL 4 - 50 FEET NORTH AND 636 FEET WEST FROM THE E1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION								
Twp Rng Mer Sec Q-Q Acres								
5 N	28 E	WM	27	SE NE	3.67			

Permit C: AFFORDABLE HOMES OF OREGON, INC., LESTER B. JONES

Use:

IRRIGATION of 31.05 ACRES

Priority Date: AUGUST 5, 1999

Rate:

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF

0.388 CUBIC FOOT PER SECOND (CFS), BEING 0.156 CFS FROM WELL 1 AND

0.203 CFS FROM EACH OF WELLS 2 AND 3

Limit/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: MARCH 1 THROUGH OCTOBER 31

Source:

THREE WELLS in UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SE NE	WELL 1 - 900 FEET NORTH AND 900 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 2 - 340 FEET NORTH AND 690 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 3 - 1060 FEET NORTH AND 545 FEET WEST FROM THE E1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION									
Twp Rng Mer Sec Q-Q Acres									
5 N	28 E	WM	27	SE NE	31.05				

- 16. 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 22, 2022, 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.
- 17. On June 1, 2022, 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 June 7, 2022. No protests were filed in response to the notice.

Split a Permit Review Criteria

18. 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	Rate (cfs)	Twp.	Rng	Mer	Sec	Q-Q	Tax Lot
WESLIE ADAMS AND KAREN ADAMS 30875 KLAUS ROAD HERMISTON, OR 97838	4.0	0.046	, in a little	2 K)/A				303
JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ 303 WALLA WALLA STREET UMATILLA, OR 97882	3.67	0.050	5 N	28 E	wm	27	SE NE	305
AFFORDABLE HOMES OF OREGON, INC., LESTER B. JONES 1911 NE 8 TH HERMISTON, OR 97838	31.05	0.388						300, 301, 302, 304, 400

- 19. The deeds supplied with the application, match the properties proposed for assignment.
- 20. 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.
- 21. The assignment and issuance of replacement permits would not result in injury to other water right holders.
- 22. The assignment and issuance of replacement permits would not result in enlargement of the permit.
- 23. The assignment and issuance of replacement permits does not alter any other terms of Permit G-13843 (modified by Permit Amendment T-10871).

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13760 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-13760 are approved.
- Permit G-18749, in the names of WESLIE ADAMS AND KAREN ADAMS, Permit G-18750 in the names of JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ and Permit G-18751, in the name of AFFORDABLE HOMES OF OREGON, INC., LESTER B. JONES, are issued to supersede Permit G-13843 (original permit modified by Permit Amendment T-10871). Permit G-13843 (original permit modified by Permit Amendment T-10871) is no longer of any force or affect.
- 3. All other terms and conditions under Permit G-13483 (original permit modified by Permit Amendment T-10871) are incorporated into Permits G-18749, G-18750, and G-18751 (superseding permits).

Dated in Salem, Oregon on

AUG 2 4 2022

Lisa J. Jaramillo Transfer and Conservation Section Manager, for

THOMAS M BYLER, DIRECTOR

Oregon Water Resources Department