

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

In the Matter of Permits S-55249 and)
55250 issued with Special Order Volume)
122, Page 810 for Permit Amendment) **CORRECTING FINAL ORDER**
T-12963, Polk County)

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 diversion and/or place of use authorized under an existing water right permit.

Applicants

LEFT COAST CELLARS LLC
PO BOX 219
RICKREALL, OR 97371

VICKI BROWNRIGG REVOCABLE TRUST
63430 OB RILEY RD
BEND, OR 97701

LARUE FAMILY TRUST
JACK & CHERI LARUE
PO BOX 137
RICKREALL, OR 97371

Findings of Fact

1. On April 19, 2022, The Department issued a Final Order and Superseding Permits S-55249 and S-55250, for additional points of diversion and changes in places of use, proposed under Permit Amendment T-12963 and approved by Special Order Volume 122, Page 810.
2. The Final Order and Superseding Permit S-55249 (Original Permit S-51534) contained several errors in the table describing the proposed additional points of diversion and the proposed place of use:

Under Permit S-51534, Permit Amendment Application T-12963 proposes additional points of diversion approximately 0.1 to 0.3 mile from the existing points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	6	NE NE	POD #9 - 640 FEET SOUTH AND 1105 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NE	POD #10 - 945 FEET SOUTH AND 810 FEET WEST FROM THE NE CORNER OF SECTION 6

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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	6	NW NE	POD #8 - 270 FEET SOUTH AND 1354 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	SW NE	POD #5 - 1800 FEET SOUTH AND 350 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	POD #6 - 1090 FEET SOUTH AND 3730 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	POD #7 - 717 FEET SOUTH AND 2685 FEET WEST FROM THE NE CORNER OF SECTION 6

Under Permit S-51534, Permit Amendment Application T-12963 proposes to change the place of use as follows:

IRRIGATION AND LIVESTOCK							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	POD
6 S	4 W	WM	31	SW NW		13.6	1,5-10
6 S	4 W	WM	31	SW SW		10.9	1,5-10
6 S	4 W	WM	31	SE SW		0.8	1,5-10
6 S	4 W	WM	31	NE SE		1.2	2
6 S	4 W	WM	31	NW SE		12.3	2
6 S	4 W	WM	31	SW SE		12.2	2
6 S	4 W	WM	31	SW SE		0.8	1,5-10
6 S	4 W	WM	31	SE SE		2.3	2
7 S	4 W	WM	6	NW NE		1.2	1,5-10
7 S	4 W	WM	6	SW NE		9.1	1,5-10
7 S	4 W	WM	6	SE NE		8.5	1,5-10
7 S	4 W	WM	6	NE NW		0.7	1,5-10
7 S	4 W	WM	6	NE SE	38	1.9	1,5-10
7 S	4 W	WM	6	NW SE	38	1.8	1,5-10
Total						77.3	

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POD
6 S	4 W	WM	31	NW SW	29.2	1,5-10
6 S	4 W	WM	31	SW SW	24.3	1,5-10
Total					53.5	

3. The correct descriptions for the additional points of diversion and proposed place of use under Permit 51534 (Superseding Permit S-55403) are described below:

Under Permit S-51534, Permit Amendment Application T-12963 proposes additional points of diversion approximately 0.1 to 0.3 mile from the existing points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	6	NE NE	POD #9 – RES. L - 640 FEET SOUTH AND 1105 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NE	POD #10 – RES. M - 945 FEET SOUTH AND 810 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NW NE	POD #8 – RES. K - 270 FEET SOUTH AND 1354 FEET WEST FROM THE NE CORNER OF SECTION 6

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	6	SW NE	POD #5 – RES. E, S. SIDE - 1800 FEET SOUTH AND 350 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	POD #6 – RES. I - 1090 FEET SOUTH AND 3730 FEET WEST FROM THE NE CORNER OF SECTION 6
7 S	4 W	WM	6	NE NW	POD #7 – RES. J - 717 FEET SOUTH AND 2685 FEET WEST FROM THE NE CORNER OF SECTION 6

Under Permit S-51534, Permit Amendment Application T-12963 also proposes to change the place of use as follows:

IRRIGATION AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	POD
6 S	4 W	WM	31	NE SE	21.1	1-4
6 S	4 W	WM	31	NE SE	1.2	2
6 S	4 W	WM	31	NW SE	12.3	2
6 S	4 W	WM	31	SW SE	23.0	1-4
6 S	4 W	WM	31	SW SE	12.2	2
6 S	4 W	WM	31	SW SE	0.8	1,5-10
6 S	4 W	WM	31	SE SE	2.3	2
6 S	4 W	WM	31	SW SW	10.9	1,5-10
6 S	4 W	WM	31	SE SW	0.8	1,5-10
6 S	4 W	WM	31	SW NW	13.6	1,5-10
7 S	4 W	WM	5	NW NW	2.3	1-4
7 S	4 W	WM	5	SW NW	9.9	1-4
7 S	4 W	WM	6	NE NE	30.3	1-4
7 S	4 W	WM	6	NW NE	34.1	1-4
7 S	4 W	WM	6	NW NE	1.2	1,5-10
7 S	4 W	WM	6	SE NE	7.5	1-4
7 S	4 W	WM	6	SE NE	8.5	1,5-10
7 S	4 W	WM	6	SW NE	9.1	1,5-10
7 S	4 W	WM	6	NE NW	0.7	1,5-10
7 S	4 W	WM	6	NE SE	1.9	1,5-10
7 S	4 W	WM	6	NW SE	1.8	1,5-10
Total					205.5	

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POD
6 S	4 W	WM	31	SE NE	2.9	1-4
6 S	4 W	WM	31	NW SE	0.8	1-4
6 S	4 W	WM	31	SE SE	31.3	1-4
6 S	4 W	WM	31	NW SW	29.2	1,5-10
6 S	4 W	WM	31	SW SW	24.3	1,5-10
7 S	4 W	WM	6	SW NE	6.2	1-4
Total					94.7	

4. The Final Order and Superseding Permit S-55250 (Original Permit S-54692) contained several errors in the tables describing the proposed additional point of diversion and the change in place of use:

Under Permit S-54692, Permit Amendment Application T-12963 proposes an additional point of diversion between 0.1 to 0.7 mile from the existing points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	6	SE NE	POD #5 - 1800 FEET SOUTH AND 350 FEET WEST FROM THE NE CORNER OF SECTION 6

Under Permit S-54692, Permit Amendment Application T-12963 also proposes to change the place of use as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	DLC	Q-Q	Acres
6 S	4 W	WM	31		SE SW	10.4
6 S	4 W	WM	31		SW SE	1.3
7 S	4 W	WM	5		SW NW	0.5
7 S	4 W	WM	6		NE NE	3.2
7 S	4 W	WM	6		NW NE	3.1
7 S	4 W	WM	6		SW NE	11.9
7 S	4 W	WM	6		SE NE	4.0
7 S	4 W	WM	6		NE NW	39.3
7 S	4 W	WM	6		NW NW	5.1
7 S	4 W	WM	6		SW NW	4.8
7 S	4 W	WM	6		SE NW	37.8
7 S	4 W	WM	6		NE SW	3.6
7 S	4 W	WM	6		NW SE	8.3
7 S	4 W	WM	6	38	NE SE	1.0
7 S	4 W	WM	6	38	NW SE	3.3
7 S	4 W	WM	6	38	SW SE	37.1
7 S	4 W	WM	6	38	SE SE	14.3
7 S	4 W	WM	6	38	NE SW	1.6
7 S	4 W	WM	6	38	SE SW	5.2
Total						195.8

5. The correct description for the additional point of diversion and proposed place of use under Permit S-54692 (Superseding Permit S-55403) are described below:

Under Permit S-54692 Permit Amendment Application T-12963 proposes an additional point of diversion approximately 0.1 to 0.7 mile from the existing points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	4 W	WM	6	SE NE	POD #5 – RES. 'E' S.SIDE- 1800 FEET SOUTH AND 350 FEET WEST FROM THE NE CORNER OF SECTION 6

Under Permit S-54692, Permit Amendment Application T-12963 also proposes to change the place of use as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	DLC	Q-Q	Acres
6 S	4 W	WM	31		SE SW	10.4
6 S	4 W	WM	31		SW SE	1.3
7 S	4 W	WM	5		NW NW	3.9
7 S	4 W	WM	5		SW NW	5.0
7 S	4 W	WM	6		NE NE	3.2
7 S	4 W	WM	6		NW NE	3.1
7 S	4 W	WM	6		SW NE	11.9
7 S	4 W	WM	6		SE NE	4.0
7 S	4 W	WM	6		NE NW	39.3
7 S	4 W	WM	6		NW NW	1.2
7 S	4 W	WM	6		SW NW	0.3
7 S	4 W	WM	6		SE NW	37.8
7 S	4 W	WM	6		NE SW	3.6
7 S	4 W	WM	6	38	NE SE	1.0
7 S	4 W	WM	6	38	NW SE	11.6
7 S	4 W	WM	6	38	SW SE	37.1
7 S	4 W	WM	6	38	SE SE	14.3
7 S	4 W	WM	6		NE SW	1.6
7 S	4 W	WM	6		SE SW	5.2
Total						195.8

6. Condition #4 language approved under Special Order Volume 122, Page 810 for Permit Amendment T-12963, is clarified to better identify each additional point of diversion as follows:

The combined quantity of water diverted at the new additional points of diversion (POD #5 – RES. E - N. SIDE, POD #6- RES. I, POD #7- RES. J, POD #8 – RES. K, POD #9 – RES. L, and POD #10 – RES. M), together with that diverted at the old points of diversion (RESERVOIR E, RESERVOIR F, RESERVOIR G, and RESERVOIR H), shall not exceed the quantity of water lawfully available at the original points of diversion (RESERVOIR E, RESERVOIR F, RESERVOIR G, and RESERVOIR H).

7. Condition #5 language approved under Special Order Volume 122, Page 810 for Permit Amendment T-12963, is clarified to better identify each additional point of diversion as follows:

The combined quantity of water diverted at the new additional point of diversion (POD #5 – RES. 'E' – S. SIDE), together with that diverted at the old points of diversion (RESERVOIR E, RESERVOIR I, RESERVOIR J, RESERVOIR K, RESERVOIR L, and RESERVOIR M), shall not exceed the quantity of water lawfully available at the original points of diversion (RESERVOIR E, RESERVOIR I, RESERVOIR J, RESERVOIR K, RESERVOIR L, and RESERVOIR M).

8. Superseding Permit S-55249 did not include the Extension of Time Condition from the Extension of Time final order approved November 5, 2021.
9. The correct Extension of Time condition under Permit S-55249 (original Permit S-51534) is described below:

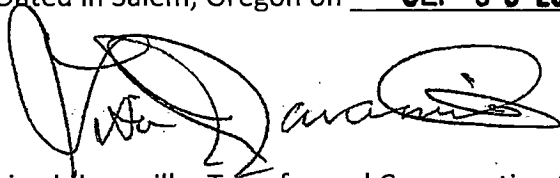
Extension of Time Conditions:

This shall be the last extension of time granted for Permit S-51534. Any future extensions of time request will be denied

Now, therefore, it is ORDERED:

1. Permit S-55402, in the name of LEFT COAST CELLARS, LLC, LARUE FAMILY TRUST, and VICKI BROWNRIGG REVOCABLE TRUST, is issued to replace Permit S-55249 (Original Permit S-51534) and incorporates the corrections approved by this order. Permit S-55249, in the name of LEFT COAST CELLARS, LLC, LARUE FAMILY TRUST, and VICKI BROWNRIGG REVOCABLE TRUST, is no longer of any force or effect.
2. Permit S-55403, in the name of LEFT COAST CELLARS, LLC, LARUE FAMILY TRUST, and VICKI BROWNRIGG REVOCABLE TRUST, is issued to replace Permit S-55250 (Original Permit S-54692) and incorporates the corrections approved by this order. Permit S-55250, in the name of LEFT COAST CELLARS, LLC, LARUE FAMILY TRUST, and VICKI BROWNRIGG REVOCABLE TRUST, is no longer of any force or effect.
3. All other terms and conditions of Permit Special Order Volume 122, Page 810 remain the same.

Dated in Salem, Oregon on SEP 30 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **OCT 03 2022**