

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

In the Matter of Permit Amendment) FINAL ORDER APPROVING ADDITIONAL
T-13893, Umatilla County) POINTS 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

MADISON RANCHES INC.
29299 MADISON RD
ECHO, OR 97826

Co-Applicant

NORTHWEST FARM CREDIT SERVICES FLCA
12 SW NYE AVE
PENDLETON, OR 97801

Co-Applicant

AXA EQUITABLE LIFE INSURANCE CO.
(C/O) AXA EQUITABLE AGRIFINANCE, LLC
4333 EDGEWOOD RD NE
CEDAR RAPIDS, IA 52499-5223

Findings of Fact

1. On January 14, 2022, MADISON RANCHES INC., NORTHWEST FARM CREDIT SERVICES FLCA, and AXA EQUITABLE LIFE INSURANCE CO. (C/O) AXA EQUITABLE AGRIFINANCE, LLC filed an application for additional points of appropriation under Permit G-18689. The Department assigned the application number T-13893.
2. On April 13, 2016, the Department approved a partial assignment of the permit from Madison Ranches and Jake Madison to Madison Ranches, Inc. and AXA Equitable Life Insurance Co. c/o AXA Equitable AgriFinance, LLC.
3. On March 6, 2017, the Department approved a partial assignment of the permit from Madison Ranches, Inc. to Northwest Farm Credit Services, FLCA.
4. On June 19, 2020, the Department approved an extension of time for complete application of water to October 1, 2025.

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 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 July 28, 2021, the Department approved a previous Permit Amendment application (T-13683) for change in place of use under Special Order Volume 121, Page 166-176.
6. Notice of the application for the permit amendment T-13893 was published in the Department's weekly notice on January 25, 2022, and in the Hermiston Herald newspaper on July 5, and 12, 2023, pursuant to ORS 540.520(5).
7. On July 19, 2023, the Department contacted the agent for the applicant in response to a deficiency in the application, specifically the QQ location of Well 1 and Well 3 were incorrectly described. The Department requested an amended table 1 and an amended map.
8. On July 20, 2023, the Department received an amended table 1 and an amended map from the agent for the applicant, satisfying the deficiency.
9. The Department identified a scrivener's error in the rate and duty description paragraph in superseding permit G-18689. The incorrect paragraph is as follows (incorrect language in bold type):

"The amount of water used for **nursery use** under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second and 4.5 acre feet for each acre irrigated during the irrigation season of each year."

The correct rate and duty paragraph from original Permit G-17354 is (correct language in bold type):

"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-FORTIETH of one cubic foot per second and 4.5 acre feet for each acre irrigated during the irrigation season of each year."

10. Permit Amendment Application T-13893 proposes to add twelve additional points of appropriation with approximate distances from the seven existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Tax Lot	Measured Distances	Distance from Authorized Wells
4 N	25 E	WM	1	NW NE		100	WELL K – 45 FEET SOUTH AND 1610 FEET WEST FROM THE NE CORNER OF SECTION 1	WELL 1 – 0.04 Miles WELL 2 – 0.28 Miles WELL 3 – 0.28 Miles WELL 4 – 0.50 Miles WELL 5 – 0.47 Miles WELL 6 – 0.51 Miles WELL 7 – 0.80 Miles

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Tax Lot	Measured Distances	Distance from Authorized Wells
4 N	25 E	WM	1	SE SW		100	WELL L – 4360 FEET SOUTH AND 3940 FEET WEST FROM THE NE CORNER OF SECTION 1	WELL 1 – 0.89 Miles WELL 2 – 1.0 Mile WELL 3 – 0.74 Miles WELL 4 – 0.47 Miles WELL 5 – 1.02 Miles WELL 6 – 1.13 Miles WELL 7 - 0.60 Miles
4 N	26 E	WM	6	NW NE	2	101	WELL B - 35 FEET SOUTH AND 3140 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.55 Miles WELL 2 – 1.48 Miles WELL 3 – 1.3 Miles WELL 4 – 1.10 Miles WELL 5 – 1.38 Miles WELL 6 – 1.47 Miles WELL 7 - 0.80 Miles
4 N	26 E	WM	6	NW NE	2	101	WELL C – 5 FEET SOUTH AND 3500 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.6 Miles WELL 2 – 1.54 Miles WELL 3 – 1.36 Miles WELL 4 – 1.16 Miles WELL 5 – 1.43 Miles WELL 6 – 1.52 Miles WELL 7 - 0.85 Miles
4 N	26 E	WM	6	NW NE	2	101	WELL D – 475 FEET SOUTH AND 3540 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.57 Miles WELL 2 – 1.49 Miles WELL 3 – 1.32 Miles WELL 4 – 1.14 Miles WELL 5 – 1.37 Miles WELL 6 – 1.45 Miles WELL 7 - 0.81 Miles
4 N	26 E	WM	6	NW NE	2	101	WELL E – 830 FEET SOUTH AND 3535 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.54 Miles WELL 2 – 1.45 Miles WELL 3 – 1.29 Miles WELL 4 – 1.11 Miles WELL 5 – 1.32 Miles WELL 6 – 1.41 Miles WELL 7 - 0.77 Miles
4 N	26 E	WM	6	SW NE		101	WELL F – 1295 FEET SOUTH AND 3420 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.5 Miles WELL 2 – 1.38 Miles WELL 3 – 1.23 Miles WELL 4 – 1.08 Miles WELL 5 – 1.25 Miles

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Tax Lot	Measured Distances	Distance from Authorized Wells
								WELL 6 – 1.33 Miles WELL 7 - 0.71 Miles
4 N	26 E	WM	6	SW NE		101	WELL G – 1880 FEET SOUTH AND 3410 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.46 Miles WELL 2 – 1.32 Miles WELL 3 – 1.19 Miles WELL 4 – 1.05 Miles WELL 5 – 1.18 Miles WELL 6 – 1.25 Miles WELL 7 - 0.68 Miles
4 N	26 E	WM	6	SW NE		101	WELL H – 2525 FEET SOUTH AND 3400 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.42 Miles WELL 2 – 1.27 Miles WELL 3 – 1.16 Miles WELL 4 – 1.04 Miles WELL 5 – 1.11 Miles WELL 6 – 1.18 Miles WELL 7 - 0.66 Miles
4 N	26 E	WM	6	NE NW	3	101	WELL A - 340 FEET SOUTH AND 2500 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.4 Miles WELL 2 – 1.35 Miles WELL 3 – 1.17 Miles WELL 4 – 0.96 Miles WELL 5 – 1.25 Miles WELL 6 – 1.34 Miles WELL 7 - 0.66 Miles
4 N	26 E	WM	6	NW SE		101	WELL I – 2730 FEET SOUTH AND 2850 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.3 Miles WELL 2 – 1.15 Miles WELL 3 – 1.05 Miles WELL 4 – 0.94 Miles WELL 5 – 1.0 Mile WELL 6 – 1.08 Miles WELL 7 - 0.55 Miles
4 N	26 E	WM	6	NW SE		101	WELL J – 3680 FEET SOUTH AND 2820 FEET EAST FROM THE NW CORNER OF SECTION 6	WELL 1 – 1.28 Miles WELL 2 – 1.09 Miles WELL 3 – 1.02 Miles WELL 4 – 0.96 Miles WELL 5 – 0.92 Miles WELL 6 – 0.98 Miles WELL 7 - 0.58 Miles

Permit Amendment Review Criteria

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

Conclusions of Law

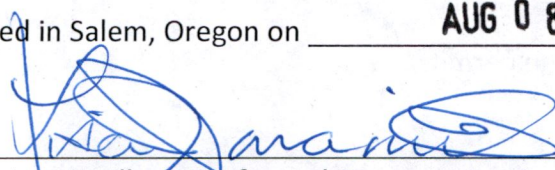
The additional points of appropriation proposed by Permit Amendment Application T-13893 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed by Permit Amendment Application T-13893 are approved.
2. Approval of this permit amendment application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation.
3. Permit G-18858, in the name of MADISON RANCHES INC., NORTHWEST FARM CREDIT SERVICES, FLCA, and AXA EQUITABLE LIFE INSURANCE CO., C/O AXA EQUITABLE AGRIFINANCE, LLC, is issued to replace Permit G-18689, and incorporates the rate and duty paragraph correction, the amendments approved by this order, the extension of time, the assignments. Permit G-18689, in the name of MADISON RANCHES INC., NORTHWEST FARM CREDIT SERVICES, FLCA, and AXA EQUITABLE LIFE INSURANCE CO., C/O AXA EQUITABLE AGRIFINANCE, LLC, is no longer of any force or effect.
4. The combined quantity of water diverted at the new additional points of appropriation (Wells A, B, C, D, E, F, G, H, I, J, K, and L), together with that diverted at the original points of appropriation (Wells 1, 2, 3, 4, 5, 6, and 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 2, 3, 4, 5, 6, and 7).
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. Water shall be acquired from the same aquifer as the original points of appropriation (Wells 1, 2, 3, 4, 5, 6, and 7).
7. All other terms and conditions of Permit G-18858 remain the same.

Dated in Salem, Oregon on AUG 08 2023



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

Mailing Date: AUG 09 2023