

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

In the Matter of Permit G-16159, Crook County	) ) ) ) )	FINAL ORDER APPROVING ASSIGNMENT OF WATER RIGHT PERMIT AND ISSUANCE OF REPLACEMENT WATER RIGHT PERMITS
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**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**

CRAIG W. AND EILEEN D. OBERMILLER  
9605 SW REIF RD  
POWELL BUTTE, OR 97753

**Applicant**

GAYLAND AND PATRICIA LOONEY  
13535 SW UMBARGER ROAD  
POWELL BUTTE, OR 97753

**Applicant**

SCOTT C. AND CECELIA Y. GRANGER  
13120 SW UMBARGER ROAD  
PO BOX 24  
POWELL BUTTE, OR 97753

**Applicant**

CAMERON AND BECKY TEATER  
10001 SW REIF ROAD  
POWELL BUTTE, OR 97753

**Applicant**

DENNIS AND SUSAN COLE  
13407 UMBARGER RD  
POWELL BUTTE, OR 97753

**Applicant**

RICHARD T. AND KATHRYN KOON  
13333 SW UMBARGER ROAD  
POWELL BUTTE, OR 97753

**Applicant**

EDWARD AND KRISTINE SEUFERT  
13469 SW UMBARGER ROAD  
POWELL BUTTE, OR 97753

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.

## Findings of Fact

### Background

1. On September 22, 2017, CRAIG W. AND EILEEN D. OBERMILLER, SCOTT C. AND CECELIA Y. GRANGER, DENNIS AND SUSAN COLE, EDWARD AND KRISTINE SEUFERT, GAYLAND AND PATRICIA LOONEY, CAMERON AND BECKY TEATER, and RICHARD T. AND KATHRYN KOON filed an application for partial assignment of Water Right Permit G-16159 and requested issuance of replacement permits. The Department assigned the application number T-12757.
2. On September 18, 2012 the Department confirmed an assignment of the entirety of Permit G-16159. On September 21, 2017, a partial assignment of Permit G-16159 was confirmed.
3. On March 21, 2014, the Department issued an order approving an Extension of Time Application extending the completion date for construction of works to October 1, 2017.
4. The Applicants identified the following landowners within the authorized place of use, who are not participating in the request for assignment:

Name and Address	Acres	Proportionate Rate	Twp	Rng	Sec	Q-Q	Tax Lot
Robert and Judy Calcote 2004 NE 48 <sup>th</sup> Circle Vancouver, WA 98682	0.5	0.006	16 S	14 E	3	SW NE	504
Anthony Dorsch and Brian Rost 203 N Canyon Drive Redmond, OR 97756	0.5	0.006	16 S	14 E	4	SE SE	901
Garry and Kathryn Likens 88680 Promise Parkway Veneta, OR 97487	0.5	0.006	16 S	14 E	3	SE NE	502

5. The Permit to be modified and assigned is as follows:

**Use:** IRRIGATION OF 5.0 ACRES  
**Priority Date:** JUNE 13, 2005  
**Quantity:** 0.006 CUBIC FOOT PER SECOND  
**Rate/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:** APRIL 1 THROUGH OCTOBER 31

**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

#### Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3



**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	14 E	WM	34	SW SE	1.0
16 S	14 E	WM	3	SW NE	2.0
16 S	14 E	WM	3	SE NE	1.5
16 S	14 E	WM	4	SE SE	0.5
Total					5.0

6. The Applicants request Permit G-16159 be split and replacement permits be issued as follows:

**Permit A: CRAIG W. AND EILEEN D. OBERMILLER**

**Use:** IRRIGATION OF 0.5 ACRES  
**Priority Date:** JUNE 13, 2005  
**Quantity:** 0.006 CUBIC FOOT PER SECOND  
**Rate/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:** APRIL 1 THROUGH OCTOBER 31  
**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
i	14 E	WM	3	SE NE	200	0.5

**Permit B: SCOTT C. AND CECELIA Y. GRANGER**

**Use:** IRRIGATION OF 0.5 ACRES  
**Priority Date:** JUNE 13, 2005  
**Quantity:** 0.006 CUBIC FOOT PER SECOND  
**Rate/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:** APRIL 1 THROUGH OCTOBER 31  
**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SW NE	400	0.5

**Permit C: DENNIS AND SUSAN COLE**

**Use:** IRRIGATION OF 0.5 ACRES  
**Priority Date:** JUNE 13, 2005  
**Quantity:** 0.006 CUBIC FOOT PER SECOND  
**Rate/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:** APRIL 1 THROUGH OCTOBER 31  
**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
15 S	14 E	WM	34	SW SE	604	0.5

**Permit D: EDWARD AND KRISTINE SEUFERT**

**Use:** IRRIGATION OF 0.5 ACRES  
**Priority Date:** JUNE 13, 2005  
**Quantity:** 0.006 CUBIC FOOT PER SECOND  
**Rate/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:** APRIL 1 THROUGH OCTOBER 31  
**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
15 S	14 E	WM	34	SW SE	603	0.5

**Permit E: GAYLAND AND PATRICIA LOONEY**

**Use:** IRRIGATION OF 0.5 ACRES

**Priority Date:** JUNE 13, 2005

**Quantity:** 0.006 CUBIC FOOT PER SECOND

**Rate/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:** APRIL 1 THROUGH OCTOBER 31

**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SW NE	503	0.5

**Permit F: CAMERON AND BECKY TEATER**

**Use:** IRRIGATION OF 0.5 ACRES

**Priority Date:** JUNE 13, 2005

**Quantity:** 0.006 CUBIC FOOT PER SECOND

**Rate/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:** APRIL 1 THROUGH OCTOBER 31

**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SE NE	300	0.5



**Permit G: RICHARD T. AND KATHRYN KOON**

**Use:** IRRIGATION OF 0.5 ACRES  
**Priority Date:** JUNE 13, 2005  
**Quantity:** 0.006 CUBIC FOOT PER SECOND  
**Rate/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:** APRIL 1 THROUGH OCTOBER 31  
**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SW NE	501	0.5

**Permit H: ROBERT AND JUDY CALCOTE; ANTHONY DORSCH AND BRIAN ROST; GARRY AND KATHRYN LIKENS**

**Use:** IRRIGATION OF 1.5 ACRES  
**Priority Date:** JUNE 13, 2005  
**Quantity:** 0.018 CUBIC FOOT PER SECOND  
**Rate/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:** APRIL 1 THROUGH OCTOBER 31  
**Source:** A WELL (CROO 3243) IN DRY RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	14 E	WM	3	SW NW	1230 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
16 S	14 E	WM	3	SW NE	504	0.5
16 S	14 E	WM	3	SE NE	502	0.5
16 S	14 E	WM	4	SE SE	901	0.5
Total						1.5

7. 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 October 31, 2017, 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.
8. On December 22, 2017, 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 January 30, 2018. No protests were filed in response to the notice.

***Split a Permit Review Criteria***

9. 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	Proportionate Rate	Twp	Rng	Sec	Q-Q	Tax Lot
Craig W. and Eileen D. Obermiller 9605 SW Reif Rd Powell Butte, OR 97753	0.5	0.006	16 S	14 E	3	SE NE	200
Scott C. and Cecelia Y. Granger 13120 SW Umbarger Road PO Box 24 Powell Butte, OR 97753	0.5	0.006	16 S	14 E	3	SW NE	400
Dennis and Susan Cole 13407 Umbarger Rd Powell Butte, OR 97753	0.5	0.006	15 S	14 E	34	SW SE	604
Edward and Kristine Seufert 13469 SW Umbarger Road Powell Butte, OR 97753	0.5	0.006	15 S	14 E	34	SW SE	603
Gayland and Patricia Looney 13535 Sw Umbarger Road Powell Butte, Or 97753	0.5	0.006	16 S	14 E	3	SW NE	503
Cameron and Becky Teater 10001 Sw Reif Road Powell Butte, Or 97753	0.5	0.006	16 S	14 E	3	SE NE	300
Richard T. and Kathryn Koon 13333 Sw Umbarger Road Powell Butte, Or 97753	0.5	0.006	16 S	14 E	3	SW NE	501
Robert and Judy Calcote 2004 NE 48 <sup>th</sup> Circle Vancouver, WA 98682	0.5	0.006	16 S	14 E	3	SW NE	504
Anthony Dorsch and Brian Rost 203 N Canyon Drive Redmond, OR 97756	0.5	0.006	16 S	14 E	4	SE SE	901
Garry and Kathryn Likens 88680 Promise Parkway Veneta, OR 97487	0.5	0.006	16 S	14 E	3	SE NE	502
Totals	5.0	0.060					

OAR 690-325-0070(1)(a).



10. The deeds supplied with the application, match the properties proposed for assignment. OAR 690-325-0070(1)(b).
11. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit. OAR 690-325-0070(1)(c).
12. The assignment and issuance of replacement permits, as outlined in Finding of Fact #6 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
13. The assignment and issuance of replacement permits, as outlined in Finding of Fact #6 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
14. The assignment and issuance of replacement permits does not alter any other terms of Permit G-16159.

### **Conclusions of Law**

The assignment and issuance of replacement permits proposed by Application T-12757 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If no protests are filed, an Order will be issued which will include the following:

### **Now, therefore, it is ORDERED:**

1. The assignment and issuance of replacement permits proposed by Application T-12757 are approved.
2. Permit G-16159, name of Mike Umbarger and John Umbarger, is cancelled. Permit G-17900, in the names of Craig W. and Eileen D. Obermiller, Permit G-17901, in the names of Scott C. and Cecelia Y. Granger, Permit G-17902, in the names of Dennis and Susan Cole, Permit G-17903, in the names of Edward and Kristine Seufert, Permit G-17904, in the names of Gayland and Patricia Looney, Permit G-17905, in the names of Cameron and Becky Teater, Permit G-17906, in the names of Richard T. and Kathryn Koon, and Permit G-17907 in the names of Robert and Judy Calcote, Anthony Dorsch and Brian Rost, and Garry and Kathryn Likens, are issued to supersede Permit G-16159
3. All other terms and conditions under Permit G-16159 are incorporated into Permits G-17900 G-17901, G-17902, G-17903, G-17904, G-17905, G-17906, and G-17907.

Dated at Salem, Oregon this           MAR 22 2018          

  
Dwight French, Water Right Services Administrator, for  
THOMAS M. BYLER, DIRECTOR

Mailing Date:           MAR 26 2018