

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

In the Matter of Permit G-15695,	)	PROPOSED FINAL ORDER
Deschutes County	)	APPROVING ASSIGNMENT OF
	)	WATER RIGHT PERMIT AND
	)	ISSUANCE OF REPLACEMENT
	)	WATER RIGHT PERMITS

Authority

Oregon Revised Statutes (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. Oregon Administrative Rule (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 a replacement permit to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

MICHAEL AND MARY WALKER
3711 NW POVEY AVENUE
TERREBONNE, OR 97760

Findings of Fact

Background

1. On June 13, 2016, MICHAEL AND MARY WALKER filed an application for full assignment of Water Right Permit G-15695 and requested issuance of two replacement permits. The Department assigned the application number T-12356.
2. On January 15, 2016, the Department approved an extension of time for Permit G-15695 to complete application of water to October 1, 2020.
3. The Permit to be modified and assigned is as follows:

Permit:	G-15695 in the name of MIKE AND MARY WALKER
Use:	IRRIGATION of 6.32 ACRES
Priority Date:	SEPTEMBER 20, 1999
Quantity:	0.076 CUBIC FOOT PER SECOND (CFS)
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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use:	May 1 through October 31

Pursuant to OAR 690-325-0100, any person may file a protest or standing statement within 45 days after the date of publication of notice of this Proposed Final Order.
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Source: A WELL within the CROOKED RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	6	NE NE	440 FEET SOUTH AND 1108 FEET WEST FROM THE NE CORNER OF SECTION 6

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	6	NE NE	6.32

4. The Applicants request Permit G-15695 be split and replacement permits be issued as follows:

Permit A:

Use: IRRIGATION of 2.37 ACRES

Priority Date: SEPTEMBER 20, 1999

Quantity: 0.028 CFS

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: May 1 through October 31

Source: A WELL in the CROOKED RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	6	NE NE	440 FEET SOUTH AND 1108 FEET WEST FROM THE NE CORNER OF SECTION 6

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	6	NE NE	2.37

Permit B:

Use: IRRIGATION of 3.95 ACRES

Priority Date: SEPTEMBER 20, 1999

Quantity: 0.048 CFS

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: May 1 through October 31

Source: A WELL in the CROOKED RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	6	NE NE	440 FEET SOUTH AND 1108 FEET WEST FROM THE NE CORNER OF SECTION 6

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	6	NE NE	3.95

5. 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 June 28, 2016, 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.

Split a Permit Review Criteria

6. 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 (cfs)	Twp	Rng	Sec	Q-Q	Tax Lot
Michael and Mary Walker	2.37	0.028	14 S	13 E	6	NE NE	300
Michael and Mary Walker	3.95	0.048	14 S	13 E	6	NE NE	400

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

7. The deed supplied with the application, matches the properties proposed for assignment. OAR 690-325-0070(1)(b).
8. 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).
9. The assignment and issuance of replacement permits, as outlined in Finding of Fact No. 4 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
10. The assignment and issuance of replacement permits, as outlined in Finding of Fact No. 4 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
11. The assignment and issuance of replacement permits does not alter any other terms of Permit No. G-15695.

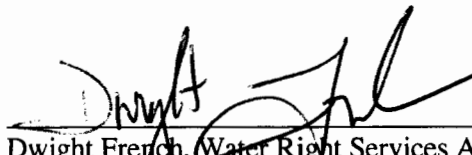
Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12356 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-12356 are approved.*
- 2. Permit G-15695, in the names of Mike and Mary Walker, is cancelled. Permit G-17632, in the names of Mike and Mary Walker, and Permit G-17633 in the names of Mike and Mary Walker, are issued to supersede Permit G-15695.*
- 3. All other terms and conditions under Permit G-15695 are incorporated into Permits G-17632 and G-17633.*

Dated at Salem, Oregon this 2 day of August, 2016.


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

Mailing Date: AUG 11 2016

This Proposed Final Order was prepared by Sarah Henderson. If you should have any questions, please do not hesitate to contact me at 503-986-0890 or Sarah.A.Henderson@wr.state.or.us.

Protest Rights:

A record landowner, an applicant, an assignee, an affected water right permit holder, or other interested person may protest the Proposed Final Order. Pursuant to OAR 690-325-0100, protests must: 1) provide a detailed explanation of why the proposed order does not conform with the criteria under ORS 537.225, and a description of the changes to the order that are necessary to correct the nonconformity; and 2) raise all reasonably ascertainable issues at the time the protest is filed. The issues must directly pertain to whether the replacement water right permits are authorized under and in conformance with ORS 537.225. In addition, protests must be accompanied by the appropriate protest fees. Protests must be received by the Department no later than 45 days after the notice is published in the Department's weekly notice. If no protests are filed, the Department will issue a final order consistent with the Proposed Final Order.

The Proposed Final Order may be viewed free of charge online at:

<http://apps.wrd.state.or.us/apps/wr/wrinfo/>. Persons interested in receiving a copy of a Proposed

Final Order must pay a statutorily-required fee of \$25. Any person paying \$25 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.

Notice Regarding Servicemembers: Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>