

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

In the Matter of Permit G-12527,)	PROPOSED FINAL ORDER
Klamath 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 Rules (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

Larry and Joan Sees
PO Box 238
Beatty, OR 97621

Findings of Fact

Background

1. On August 1, 2016, LARRY AND JOAN SEES filed an application for partial assignment of Water Right Permit G-12527 and requested issuance of replacement permits. The Department assigned the application number T-12453.
2. On October 2, 2000, the Department approved an assignment of Permit G-12527 from Terry and Dessa Lea Hager to Winding Sprague River LLC.
3. On August 6, 2008, the Department approved an assignment of Permit G-12527 from Winding Sprague River LLC to Joan Amaral Sees and Larry J. Sees.

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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4. On April 8, 2010, the Department approved a partial assignment of Permit G-12527 from Joan Amaral Sees and Larry J. Sees to David Krueger.
5. On October 5, 2012, the Department approved an assignment of Permit G-12527 from Larry J. and Joan A. Sees and Michael and Eve Bechtholdt to Larry J. and Joan A. Sees.
6. On July 10, 2014, the Department approved an assignment of Permit G-12527 from Larry J. and Joan A. Sees and Michael and Eve Bechtholdt to Larry J. and Joan A. Sees and David M. Krueger.
7. On July 14, 2009, the Department approved an extension of time for complete application of water to October 1, 2012.
8. On September 12, 2014, the Department approved an extension of time for complete application of water to October 1, 2017.
9. On November 18, 2010, the Department approved two Permit Amendments affecting Permit G-12527, T-10970 and T-11029, Special Order Volume 83, pages 81-84.
10. The Applicants identified the following landowner within the authorized place of use, who is not participating in the request for assignment:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Sec	Q-Q	Tax Lot
David Kruegar 35000 Sprague River Rd Sprague River, OR 97639	20.0	0.50	36 S	12 E	22	NW SW	600
	20.0		36 S	12 E	22	SW SW	

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

Permit: G-12527 in the name of TERRY AND DESSA LEA HAGER (assigned to LARRY J. AND JOAN A. SEES)

Use: IRRIGATION of 309.24 ACRES

Priority Date: APRIL 13, 1992

Rate: 3.87 CUBIC FEET PER SECOND (CFS)

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 the SPRAGUE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE NW	WELL 1 (KLAM 2081): 930 FEET SOUTH AND 2430 FEET EAST FROM THE NW CORNER OF SECTION 22
36 S	12 E	WM	22	NE SW	WELL 5 (KLAM 2078): 50 FEET SOUTH AND 2750 FEET WEST FROM THE E1/4 OF SECTION 22

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	28	NE NE	WELL 4 (KLAM 10447): SOUTH 1 DEGREE 27 MINUTES 40 SECONDS WEST, 784 FEET FROM THE NE CORNER OF SECTION 28

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
36 S	12 E	WM	22	NE NW	1.30	1
36 S	12 E	WM	22	SW NW	6.50	1
36 S	12 E	WM	22	SE NW	35.41	1
36 S	12 E	WM	22	NW SW	9.59	4
36 S	12 E	WM	22	NW SW	20.00	5
36 S	12 E	WM	22	SW SW	20.00	5
36 S	12 E	WM	22	SW SW	19.21	4
36 S	12 E	WM	27	NW NW	19.59	4
36 S	12 E	WM	27	SW NW	19.57	4
36 S	12 E	WM	28	NE NE	40.22	4
36 S	12 E	WM	28	SW NE	40.06	4
36 S	12 E	WM	28	SE NE	40.53	4
36 S	12 E	WM	28	NE SE	36.80	4
36 S	12 E	WM	28	NW SE	0.46	4
Total:					309.24	

12. The Applicants request Permit G-12527 be split and replacement permits be issued as follows:

Permit A:

Use: IRRIGATION of 269.24 ACRES

Priority Date: APRIL 13, 1992

Rate: 3.37 CFS

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: TWO WELLS in the SPRAGUE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE NW	WELL 1 (KLAM 2081): 930 FEET SOUTH AND 2430 FEET EAST FROM THE NW CORNER OF SECTION 22
36 S	12 E	WM	28	NE NE	WELL 4 (KLAM 10447): SOUTH 1 DEGREE 27 MINUTES 40 SECONDS WEST, 784 FEET FROM THE NE CORNER OF SECTION 28

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
36 S	12 E	WM	22	NE NW	1.30	1
36 S	12 E	WM	22	SW NW	6.50	1

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
36 S	12 E	WM	22	SE NW	35.41	1
36 S	12 E	WM	22	NW SW	9.59	4
36 S	12 E	WM	22	SW SW	19.21	4
36 S	12 E	WM	27	NW NW	19.59	4
36 S	12 E	WM	27	SW NW	19.57	4
36 S	12 E	WM	28	NE NE	40.22	4
36 S	12 E	WM	28	SW NE	40.06	4
36 S	12 E	WM	28	SE NE	40.53	4
36 S	12 E	WM	28	NE SE	36.80	4
36 S	12 E	WM	28	NW SE	0.46	4
Total:					269.24	

Permit B:

Use: IRRIGATION of 40.0 ACRES

Priority Date: APRIL 13, 1992

Rate: 0.50 CFS

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: ONE WELL in the SPRAGUE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	22	NE SW	WELL 5 (KLAM 2078): 50 FEET SOUTH AND 2750 FEET WEST FROM THE E1/4 OF SECTION 22

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	12 E	WM	22	NW SW	20.00
36 S	12 E	WM	22	SW SW	20.00
Total:					40.00

- 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 September 13, 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

- 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
Larry and Joan Sees PO Box 238 Beatty, OR 97621	1.3	3.37	36 S	12 E	22	NE NW	100
	6.5		36 S	12 E	22	SW NW	
	35.41		36 S	12 E	22	SE NW	
	9.59		36 S	12 E	22	NW SW	
	19.21		36 S	12 E	22	SW SW	
	19.59		36 S	12 E	27	NW NW	
	19.57		36 S	12 E	27	SW NW	
	40.22		36 S	12 E	28	NE NE	
	40.06		36 S	12 E	28	SW NE	
	40.53		36 S	12 E	28	SE NE	
	36.80		36 S	12 E	28	NE SE	
	0.46		36 S	12 E	28	NW SE	
David Kruegar 35000 Sprague River Rd Sprague River, OR 97639	20.0	0.50	36 S	12 E	22	NW SW	600
	20.0		36 S	12 E	22	SW SW	
Total:	309.24	3.87					

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

16. The deeds supplied with the application, match the properties proposed for assignment. OAR 690-325-0070(1)(b).
17. 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. OAR 690-325-0070(1)(c).
18. The assignment and issuance of replacement permits, as outlined in Finding of Fact No. 12 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
19. The assignment and issuance of replacement permits, as outlined in Finding of Fact No. 12 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
20. The assignment and issuance of replacement permits does not alter any other terms of Permit G-12527.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12453 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-12453 are approved.*

2. *Permit G-12527, name of TERRY AND DESSA LEA HAGER, is cancelled. Permit X-XXXXX, in the name of LARRY J. AND JOAN A. SEES, and Permit X-XXXXX in the name of DAVID KRUEGAR, are issued to supersede Permit G-12527.*
3. *All other terms and conditions under Permit G-12527 are incorporated into Permits X-XXXXX and X-XXXXX.*

Dated at Salem, Oregon this 17 day of October, 2016.



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

Mailing Date: OCT 26 2016

This Proposed Final Order was prepared by Tracy Fox. If you should have any questions, please do not hesitate to contact Sarah Henderson 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>