

6. The Applicants identified the following landowners within the authorized place of use for both permits, who are not participating in the request for assignment:

Name and Address
Charles and Rita Mueller 10570 Sunnyview Road NE Salem, OR 97317

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

Permit: G-11197 in the name of RICHARD KUENZI
Use: IRRIGATION of 144.0 ACRES
Priority Date: APRIL 24, 1990
Quantity: 1.8 CUBIC FEET PER SECOND
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: ONE WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	20	SW SW	550 FEET NORTH AND 580 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	19	NE SE	1.1
7 S	1 W	WM	19	SE SE	25.6
7 S	1 W	WM	20	SW SW	29.1
7 S	1 W	WM	20	SE SW	12.1
7 S	1 W	WM	29	NE NW	13.7
7 S	1 W	WM	29	NW NW	30.8
7 S	1 W	WM	30	NE NE	30.0
7 S	1 W	WM	30	NW NE	1.6
Total					144.0

8. The Applicants request Permit G-11197 be split and replacement permits be issued as follows:

Permit A: Shawn and Kimberly Schurter
Use: IRRIGATION of 43.4 ACRES
Priority Date: APRIL 24, 1990
Quantity: 0.54 CUBIC FEET PER SECOND
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for

each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ONE WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	20	SW SW	550 FEET NORTH AND 580 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	19	NE SE	1.1
7 S	1 W	WM	19	SE SE	22.3
7 S	1 W	WM	20	SW SW	0.1
7 S	1 W	WM	30	NE NE	18.3
7 S	1 W	WM	30	NW NE	1.6
Total					43.4

Permit B: Charles and Rita Mueller

Use: IRRIGATION of 100.6 ACRES

Priority Date: APRIL 24, 1990

Quantity: 1.26 CUBIC FEET PER SECOND

Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ONE WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	20	SW SW	550 FEET NORTH AND 580 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	19	SE SE	3.3
7 S	1 W	WM	20	SW SW	29.0
7 S	1 W	WM	20	SE SW	12.1
7 S	1 W	WM	29	NE NW	13.7
7 S	1 W	WM	29	NW NW	30.8
7 S	1 W	WM	30	NE NE	11.7
Total					100.6

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

Permit: G-12957 in the name of RICHARD KUENZI
Use: SUPPLEMENTAL IRRIGATION of 144.0 ACRES
Priority Date: APRIL 28, 1995
Quantity: 0.8 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: March 1 through October 31
Source: A WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	20	SW SW	900 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	19	SE SE	26.7
7 S	1 W	WM	20	NW SW	0.1
7 S	1 W	WM	20	SW SW	29.1
7 S	1 W	WM	20	SE SW	12.3
7 S	1 W	WM	29	NE NW	13.4
7 S	1 W	WM	29	NW NW	30.8
7 S	1 W	WM	30	NE NE	30.0
7 S	1 W	WM	30	NW NE	1.6
Total					144.0

10. The Applicants request Permit G-12957 be split and replacement permits be issued as follows:

Permit A: Shawn and Kimberly Schurter
Use: SUPPLEMENTAL IRRIGATION of 44.0 ACRES
Priority Date: APRIL 28, 1995
Quantity: 0.24 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: March 1 through October 31
Source: A WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	20	SW SW	900 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	19	SE SE	23.4
7 S	1 W	WM	20	NW SW	0.1
7 S	1 W	WM	20	SW SW	0.6
7 S	1 W	WM	30	NE NE	18.3
7 S	1 W	WM	30	NW NE	1.6
Total					44.0

Permit B: Charles and Rita Mueller**Use:** SUPPLEMENTAL IRRIGATION of 100.0 ACRES**Priority Date:** APRIL 28, 1995**Quantity:** 0.56 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.**Period of Use:** March 1 through October 31**Source:** A WELL within the PUDDING RIVER BASIN**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	20	SW SW	900 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	19	SE SE	3.3
7 S	1 W	WM	20	SW SW	28.5
7 S	1 W	WM	20	SE SW	12.3
7 S	1 W	WM	29	NE NW	13.4
7 S	1 W	WM	29	NW NW	30.8
7 S	1 W	WM	30	NE NE	11.7
Total					100.0

11. 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 November 22, 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

12. The Department has verified the mailing address of each owner of the authorized place of use identified on the map for Permit G-11197, contained in the application as follows:

Name and Address	Acres	Proportionate Rate	Twp	Rng	Sec	Q-Q	Tax Lot
Shawn and Kimberly Schurter 10520 Sunnyview Rd. NE Salem, Oregon 97317	1.1	0.54	7 S	1 W	19	NE SE	1900
	22.3		7 S	1 W	19	SE SE	
	0.1		7 S	1 W	20	SW SW	
	18.3		7 S	1 W	30	NE NE	
	1.6		7 S	1 W	30	NW NE	
Charles and Rita Mueller 10570 Sunnyview Rd. NE Salem, Oregon 97317	3.3	1.26	7 S	1 W	19	SE SE	2600
	29.0		7 S	1 W	20	SW SW	
	12.1		7 S	1 W	20	SE SW	
	13.7		7 S	1 W	29	NE NW	
	30.8		7 S	1 W	29	NW NW	
	11.7		7 S	1 W	30	NE NE	

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

13. The Department has verified the mailing address of each owner of the authorized place of use identified on the map for Permit G-12957, contained in the application as follows:

Name and Address	Acres	Proportionate Rate	Twp	Rng	Sec	Q-Q	Tax Lot
Shawn and Kimberly Schurter 10520 Sunnyview Rd. NE Salem, Oregon 97317	23.4	0.24	7 S	1 W	19	SE SE	1900
	0.1		7 S	1 W	20	NW SW	
	0.6		7 S	1 W	20	SW SW	
	18.3		7 S	1 W	30	NE NE	
	1.6		7 S	1 W	30	NW NE	
Charles and Rita Mueller 10570 Sunnyview Rd. NE Salem, Oregon 97317	3.3	0.56	7 S	1 W	19	SE SE	2600
	28.5		7 S	1 W	20	SW SW	
	12.3		7 S	1 W	20	SE SW	
	13.4		7 S	1 W	29	NE NW	
	30.8		7 S	1 W	29	NW NW	
	11.7		7 S	1 W	30	NE NE	

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

14. The deed supplied with the application, matches the property proposed for assignment. OAR 690-325-0070(1)(b).
15. 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).
16. The assignment and issuance of replacement permits, as outlined in Finding of Facts #8 and #10 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
17. The assignment and issuance of replacement permits, as outlined in Finding of Facts #8 and #10 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).

18. The assignment and issuance of replacement permits does not alter any other terms of Permits # G-11197 and G-12957.

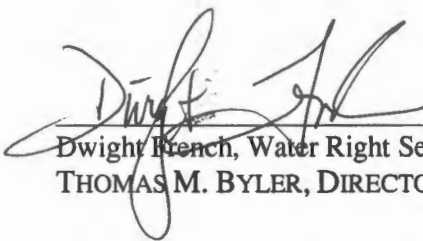
Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12497 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-12497 are approved.*
2. *Permit G-11197, in the name of Richard Kuenzi, is cancelled. Permit G-17694, in the names of Shawn and Kimberly Schurter, and Permit G-17695 in the names of Charles and Rita Mueller, are issued to supersede Permit G-11197.*
3. *Permit G-12957, name of Richard Kuenzi, is cancelled. Permit G-17696, in the names of Shawn and Kimberly Schurter, and Permit G-17697 in the names of Charles and Rita Mueller, are issued to supersede Permit G-12957.*
4. *All other terms and conditions under Permit G-11197 are incorporated into Permits G-17694 and G-17695.*
5. *All other terms and conditions under Permit G-12957 are incorporated into Permits G-17696 and G-17697.*

Dated at Salem, Oregon this 5 day of January, 2017.



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

JAN 10 2016

Mailing Date: _____

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@oregon.gov.

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>