

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

In the Matter of Permit G-12462,)	PROPOSED FINAL ORDER
Klamath County)	APPROVING PARTIAL ASSIGNMENT
)	OF WATER RIGHT PERMIT AND
)	ISSUANCE OF REPLACEMENT
)	WATER RIGHT PERMITS

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

GROHS RANCH
21010 WEST LANGELL VALLEY ROAD
BONANZA, OREGON 97623

Findings of Fact

Background

1. On April 21, 2017, GROHS RANCH filed an application for partial assignment of Water Right Permit G-12462 and requested issuance of replacement permits. The Department assigned the application number T-12649.
2. On May 9, 2017, the Department contacted Darryl Anderson, by written correspondence to notify the applicant's agent of the deficiencies in the application. On June 7, 2017, the Department received an amended map and amended application pages, resolving the deficiencies.
3. On November 17, 2005, the Department approved an extension of time for complete application of water to October 15, 2006.
4. On May 6, 2016, the Department approved an extension of time for complete application of water to October 1, 2021.
5. The Applicant identified the following landowner within the authorized place of use, who is not participating in the request for assignment:

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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Name and Address	Acres	Proportionate Rate	Twp	Rng	Sec	Q-Q	Tax Lot
Michael Horton PO Box 530 Bonanza, OR 97623	37.0	0.88			41S 13E 13	SW NE	2800
	21.7					NE NW	2800
	9.0					SE NW	2800
	1.0					NE SE	2901
	12.2					NW SE	2800

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

Permit: G-12462 in the name of GROHS RANCH
Use: SUPPLEMENTAL IRRIGATION OF 408.4 ACRES
Priority Date: SEPTEMBER 8, 1992
Quantity: 4.46 CUBIC FEET PER SECOND
Rate/Duty: The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, 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: APRIL 15 THROUGH OCTOBER 15
Source: A WELL IN THE LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	13	NE SE	1600 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 13

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	13 E	WM	36	SW SW	40.3
40 S	13 E	WM	36	SE SW	40.3
41 S	13 E	WM	1	SW NW	17.9
41 S	13 E	WM	1	SE NW	33.3
41 S	13 E	WM	1	NE SW	40.0
41 S	13 E	WM	1	NW SW	18.8
41 S	13 E	WM	1	SW SW	10.0
41 S	13 E	WM	13	NE NE	30.0
41 S	13 E	WM	13	NW NE	36.5
41 S	13 E	WM	13	SW NE	37.0
41 S	13 E	WM	13	SE NE	31.0
41 S	13 E	WM	13	NE NW	21.7
41 S	13 E	WM	13	SE NW	9.0
41 S	13 E	WM	13	NE SE	1.0
41 S	13 E	WM	13	NE SE	29.4
41 S	13 E	WM	13	NW SE	12.2
Total					408.4

7. The Applicant requests Permit G-12462 be split and replacement permits be issued as follows:

Permit A: GROHS RANCH

Permit: G-12462 in the name of GROHS RANCH
Use: SUPPLEMENTAL IRRIGATION OF 327.5 ACRES
Priority Date: SEPTEMBER 8, 1992
Quantity: 3.58 CUBIC FEET PER SECOND
Rate/Duty: The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, 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: APRIL 15 THROUGH OCTOBER 15
Source: A WELL IN THE LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	13	NE SE	1600 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 13

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	13 E	WM	36	SW SW	40.3
40 S	13 E	WM	36	SE SW	40.3
41 S	13 E	WM	1	SW NW	17.9
41 S	13 E	WM	1	SE NW	33.3
41 S	13 E	WM	1	NE SW	40.0
41 S	13 E	WM	1	NW SW	18.8
41 S	13 E	WM	1	SW SW	10.0
41 S	13 E	WM	13	NE NE	30.0
41 S	13 E	WM	13	NW NE	36.5
41 S	13 E	WM	13	SE NE	31.0
41 S	13 E	WM	13	NE SE	29.4
Total					327.5

Permit B: MICHAEL HORTON

Permit: G-12462 in the name of GROHS RANCH
Use: SUPPLEMENTAL IRRIGATION OF 80.9 ACRES
Priority Date: SEPTEMBER 8, 1992
Quantity: 0.88 CUBIC FEET PER SECOND
Rate/Duty: The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, 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: APRIL 15 THROUGH OCTOBER 15
Source: A WELL IN THE LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	13	NE SE	1600 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 13

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	13 E	WM	13	SW NE	37.0
41 S	13 E	WM	13	NE NW	21.7
41 S	13 E	WM	13	SE NW	9.0
41 S	13 E	WM	13	NE SE	1.0
41 S	13 E	WM	13	NW SE	12.2
Total					80.9

8. 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 July 18, 2017, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition on July 18, 2017, 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 located.

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
Grohs Ranch 21010 W. Langell Valley Rd Bonanza, OR 97623	40.3	3.58	40 S	13 E	36	SW SW	10400
	40.3		40 S	13 E	36	SE SW	
	17.9		41 S	13 E	1	SW NW	300
	33.3		41 S	13 E	1	SE NW	
	40.0		41 S	13 E	1	NE SW	
	18.8		41 S	13 E	1	NW SW	
	10.0		41 S	13 E	1	SW SW	
	30.0		41 S	13 E	13	NE NE	2700
	36.5		41 S	13 E	13	NW NE	
	31.0		41 S	13 E	13	SE NE	
	29.4		41 S	13 E	13	NE SE	
	Michael Horton PO Box 530 Bonanza, OR 97623		37.0	0.88	41S	13E	13
21.7		41S	13E		13	NE NW	
9.0		41S	13E		13	SE NW	2901
1.0		41S	13E		13	NE SE	
12.2		41S	13E		13	NW SE	

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

10. The deed supplied with the application, matches the properties proposed for assignment. OAR 690-325-0070(1)(b).
11. 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).
12. The assignment and issuance of replacement permits, as outlined in Finding of Fact #7 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 #7 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-12462.

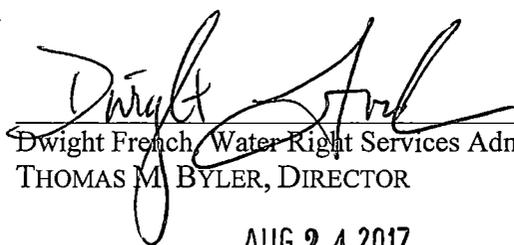
Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12649 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-12649 are approved.*
2. *Permit G-12462, name of Grohs Ranch, is cancelled. Permit X-XXXXX, in the name of Grohs Ranch, and Permit X-XXXXX in the name of Michael Horton, are issued to supersede Permit G-12462.*
3. *All other terms and conditions under Permit G-12462 are incorporated into Permits X-XXXXX and X-XXXXX (new permits).*

Dated at Salem, Oregon this 18 day of August, 2017.


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

AUG 24 2017

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 \$30. Any person paying \$30 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.