



Oregon

Kate Brown, Governor

Water Resources Department

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December 19, 2017

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

SCOTT C. AND CECELIA Y. GRANGER
PO BOX 24
POWELL BUTTE, OR 97753

DENNIS AND SUSAN COLE
PO BOX 213
POWELL BUTTE, OR 97753

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

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

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

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

Re: Split a Permit Application T-12757

Enclosed please find the Proposed Final Order proposing approval of the order to Split a Permit and Request for Issuance of Replacement Permits. Also enclosed are copies of the draft replacement permits.

Subsequent to the mailing of this Proposed Order, notice of the application will be published in the Department's weekly notice on December 19, 2017. This public notice will initiate a 45 day protest period. If no protests are filed, the Department will issue a final order and replacement permits consistent with the Proposed Final Order.

Please do not hesitate to contact me at 503-986-0806 or arla.l.heard@oregon.gov, if you should have any questions or concerns.

Sincerely,

Arla Heard

Transfer and Conservation Section

Enclosures (PFO, draft new permits)

cc: Jeremy Giffin, District #11 Watermaster (via e-mail)
cc w/enc.: Robert & Judy Calcote, 2004 NE 48th Circle, Vancouver, WA 98692
Anthony Dorsh & Brian Rost, 203 N Canyon Drive, Redmond, OR 97756
Garry & Kathryn Likens, 88680 Promise Parkway, Veneta, OR 97487

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

In the Matter of Permit G-16159,)	PROPOSED FINAL ORDER
Crook County)	APPROVING 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

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

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.

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 th 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

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.

Split a Permit Review Criteria

7. 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 th 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).

8. The deeds supplied with the application, match the properties proposed for assignment. OAR 690-325-0070(1)(b).

9. 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).
10. The assignment and issuance of replacement permits, as outlined in Finding of Fact #5 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).
11. The assignment and issuance of replacement permits, as outlined in Finding of Fact #5 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
12. 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 22 day of December, 2017.



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

JAN 05 2017

Mailing Date: _____

This Proposed Final Order was prepared by Arla Heard. If you have questions about the information in this document, you may reach me at 503-986-0860 or Arla.L.Heard@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.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members 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>