

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

In the Matter of Permit G-16485, Morrow	)	PROPOSED FINAL ORDER
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**

BARRY AND MARYANN MUNKERS  
63808 CLARKS CANYON ROAD  
LEXINGTON, OR 97839

**Applicant**

TRAVIS AND TIFFANIE GREENUP  
63466 CLARKS CANYON ROAD  
LEXINGTON, OR 97839

**Findings of Fact**

**Background**

1. On February 5, 2018, BARRY AND MARYANN MUNKERS, AND TRAVIS AND TIFFANIE GREENUP filed an application for full assignment of Water Right Permit G-16485 and requested issuance of replacement permits. The Department assigned the application number T-12843.
2. On November 28, 2014, the Department approved an extension of time for complete application of water to May 7, 2023.
3. The Permit to be modified and assigned is as follows:  
**Permit:** G-16485 in the name of BARRY AND MARY MUNKERS, TRAVIS AND TIFFANIE GREENUP  
**Use:** IRRIGATION USE ON 225.9 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 7.9 ACRES  
**Priority Date:** AUGUST 15, 2008  
**Quantity:** 0.33 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

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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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:** MARCH 1 THROUGH OCTOBER 31

**Sources:** WELL 39371 (MORR 50764) AND WELL 80299 (MORR 51301) IN CLARKS CANYON BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	33	NE SW	WELL 39371 (MORR 50764) 2170 FEET NORTH AND 2190 FEET EAST FROM THE SW CORNER OF SECTION 33
1 S	25 E	WM	33	SE SW	WELL 80299 (MORR 51301) 160 FEET NORTH AND 2435 FEET EAST FROM THE SW CORNER OF SECTION 33

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	33	NE NW	2.5
1 S	25 E	WM	33	SE NW	4.6
1 S	25 E	WM	33	NE SW	0.8
Total					7.9

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	33	NE NW	11.7
1 S	25 E	WM	33	NW NW	17.5
1 S	25 E	WM	33	SW NW	16.9
1 S	25 E	WM	33	SE NW	26.8
1 S	25 E	WM	33	NE SW	37.3
1 S	25 E	WM	33	NW SW	39.4
1 S	25 E	WM	33	SW SW	39.5
1 S	25 E	WM	33	SE SW	36.8
Total					225.9

4. The Applicants request Permit G-16485 be split and replacement permits be issued as follows:

**Permit A – Barry and Mary Ann Munkers:**

**Use:** IRRIGATION USE ON 224.4 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 7.9 ACRES

**Priority Date:** AUGUST 15, 2008

**Quantity:** 0.328 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** MARCH 1 THROUGH OCTOBER 31

**Sources:** WELL 39371 (MORR 50764) AND WELL 80299 (MORR 51301) IN CLARKS CANYON BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	33	NE SW	WELL 39371 (MORR 50764) 2170 FEET NORTH AND 2190 FEET EAST FROM THE SW CORNER OF SECTION 33
1 S	25 E	WM	33	SE SW	WELL 80299 (MORR 51301) 160 FEET NORTH AND 2435 FEET EAST FROM THE SW CORNER OF SECTION 33

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	33	NE NW	2.5
1 S	25 E	WM	33	SE NW	4.6
1 S	25 E	WM	33	NE SW	0.8
Total					7.9

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	33	NE NW	11.7
1 S	25 E	WM	33	NW NW	17.5
1 S	25 E	WM	33	SW NW	16.9
1 S	25 E	WM	33	SE NW	26.8
1 S	25 E	WM	33	NE SW	37.3
1 S	25 E	WM	33	NW SW	39.4
1 S	25 E	WM	33	SW SW	39.5
1 S	25 E	WM	33	SE SW	35.3
Total					224.4

**Permit B – Travis and Tiffanie Greenup:**

**Use:** IRRIGATION USE ON 1.5 ACRES

**Priority Date:** AUGUST 15, 2008

**Quantity:** 0.002 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** MARCH 1 THROUGH OCTOBER 31

**Sources:** WELL 39371 (MORR 50764) AND WELL 80299 (MORR 51301) IN CLARKS CANYON BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	33	NE SW	WELL 39371 (MORR 50764) 2170 FEET NORTH AND 2190 FEET EAST FROM THE SW CORNER OF SECTION 33
1 S	25 E	WM	33	SE SW	WELL 80299 (MORR 51301) 160 FEET NORTH AND 2435 FEET EAST FROM THE SW CORNER OF SECTION 33

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	33	SE SW	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 March 13, 2018, 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	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
Barry and Mary Ann Munkers 63808 Clarks Canyon Road Lexington, OR 97839	232.3	0.328	1 S	25 E	WM	33	NE NW	5700
			1 S	25 E	WM	33	NW NW	
			1 S	25 E	WM	33	SW NW	
			1 S	25 E	WM	33	SE NW	
			1 S	25 E	WM	33	NE SW	
			1 S	25 E	WM	33	NW SW	
			1 S	25 E	WM	33	SW SW	
Travis and Tiffanie Greenup 63466 Clarks Canyon Road Lexington, OR 97839	1.5	0.002	1 S	25 E	WM	33	SE SW	5702

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

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

9. The assignment and issuance of replacement permits, as outlined in Finding of Fact #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 #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 G-16485.

### Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-12174 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-12843 are approved.*
2. *Permit G-16485, names of Barry and Mary Munkers and Travis and Tiffanie Greenup, is cancelled. Permit X-XXXXX, in the names of Barry and Mary Munkers, and Permit X-XXXXX in the names of Travis and Tiffanie Greenup, are issued to supersede Permit G-16485.*
3. *All other terms and conditions under Permit G-16485 are incorporated into Permits X-XXXXX and X-XXXXX (new permits).*

Dated at Salem, Oregon this day APR 25 2018.

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

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](mailto: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.

**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>