

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

In the Matter of Permit G-16663,)	PROPOSED FINAL ORDER
Harney 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

Jesse Van De Stroet
1524 29th Street
Inwood, IA 51240

Findings of Fact

Background

1. On July 5, 2018, Jesse Van De Stroet, filed an application for partial assignment of Water Right Permit G-16663 and requested issuance of replacement permits. The Department assigned the application number T-12965.
2. On November 13, 2015, the Department issued an order approving an Extension of Time Application extending the completion date for construction of works to October 1, 2022.
3. On June 12, 2014 the Department confirmed a partial assignment of a portion of Permit G-16663 to Douglas and Tamra Gunderson and Inwood Feeders.
4. On July 10, 2014 the Department confirmed a partial assignment of a portion of Permit G-16663 to Douglas and Tamra Gunderson and Jesse Van De Stroet.
5. On October 6, 2016 the Department confirmed a partial assignment of a portion of Permit G-16663 to Douglas and Tamra Gunderson and Jesse Van De Stroet.

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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6. The Applicant identified the following landowner 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
Douglas & Tamra Gunderson 70029 Highway 205 Burns, OR 97720	251.2	3.12 CFS	24 S	32.5 E	29	NE NW SE SW

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

Permit: G-16663 in the name of DOUGLAS AND TAMRA GUNDERSON
Use: IRRIGATION of 502.4 ACRES
Priority Date: AUGUST 25, 2009
Quantity: 6.24 CUBIC FEET PER SECOND (CFS), BEING 1.56 CFS FROM WELL 1, WELL2, WELL 3, AND WELL 4
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
Source: WELL 1 AND WELL 3 IN EAST FORK SILVIES RIVER BASIN, AND WELL 2 AND WELL 4 IN MALHEUR SLOUGH BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32.5 E	WM	29	NE NW	WELL 1 - 2610 FEET NORTH AND 925 FEET WEST FROM C1/4 CORNER, SECTION 29
24 S	32.5 E	WM	29	NW NE	WELL 2 - 2610 FEET NORTH AND 960 FEET EAST FROM C1/4 CORNER, SECTION 29
24 S	32.5 E	WM	29	SE SW	WELL 3 - 2580 FEET SOUTH AND 740 FEET WEST FROM C1/4 CORNER, SECTION 29
24 S	32.5 E	WM	29	SE SE	WELL 4 - 2580 FEET SOUTH AND 1785 FEET EAST FROM C1/4 CORNER, SECTION 29

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32.5 E	WM	29	NE NE	31.4
24 S	32.5 E	WM	29	NW NE	31.4
24 S	32.5 E	WM	29	SW NE	31.4
24 S	32.5 E	WM	29	SE NE	31.4
24 S	32.5 E	WM	29	NE NW	31.4
24 S	32.5 E	WM	29	NW NW	31.4
24 S	32.5 E	WM	29	SW NW	31.4
24 S	32.5 E	WM	29	SE NW	31.4
24 S	32.5 E	WM	29	NE SW	31.4
24 S	32.5 E	WM	29	NW SW	31.4
24 S	32.5 E	WM	29	SW SW	31.4
24 S	32.5 E	WM	29	SE SW	31.4
24 S	32.5 E	WM	29	NE SE	31.4
24 S	32.5 E	WM	29	NW SE	31.4
24 S	32.5 E	WM	29	SW SE	31.4
24 S	32.5 E	WM	29	SE SE	31.4
Total					502.4

8. The Applicants request Permit G-16663 be split and replacement permits be issued as follows:

Permit A: JESSE VAN DE STROET

Use: IRRIGATION of 251.2 ACRES
Priority Date: AUGUST 25, 2009
Quantity: 3.12 CUBIC FEET PER SECOND (CFS), BEING 0.78 CFS FROM WELL 1, WELL2, WELL 3, AND WELL 4
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
Source: WELL 1 AND WELL 3 IN EAST FORK SILVIES RIVER BASIN, AND WELL 2 AND WELL 4 IN MALHEUR SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	32.5 E	WM	29	NE NW	WELL 1 - 2610 FEET NORTH AND 925 FEET WEST FROM C1/4 CORNER, SECTION 29
24 S	32.5 E	WM	29	NW NE	WELL 2 - 2610 FEET NORTH AND 960 FEET EAST FROM C1/4 CORNER, SECTION 29
24 S	32.5 E	WM	29	SE SW	WELL 3 - 2580 FEET SOUTH AND 740 FEET WEST FROM C1/4 CORNER, SECTION 29
24 S	32.5 E	WM	29	SE SE	WELL 4 - 2580 FEET SOUTH AND 1785 FEET EAST FROM C1/4 CORNER, SECTION 29

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	32.5 E	WM	29	NE NE	31.4
24 S	32.5 E	WM	29	NW NE	31.4
24 S	32.5 E	WM	29	SW NE	31.4
24 S	32.5 E	WM	29	SE NE	31.4
24 S	32.5 E	WM	29	NE SE	31.4
24 S	32.5 E	WM	29	NW SE	31.4
24 S	32.5 E	WM	29	SW SE	31.4
24 S	32.5 E	WM	29	SE SE	31.4
Total					251.2

Permit B: DOUGLAS AND TAMRA GUNDERSON

Use: IRRIGATION of 251.2 ACRES
Priority Date: AUGUST 25, 2009
Quantity: 3.12 CUBIC FEET PER SECOND (CFS), BEING 0.78 CFS FROM WELL 1, WELL2, WELL 3, AND WELL 4
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.
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Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
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24 S	32.5 E	WM	29	SW NW	31.4
24 S	32.5 E	WM	29	SE NW	31.4
24 S	32.5 E	WM	29	NE SW	31.4
24 S	32.5 E	WM	29	NW SW	31.4
24 S	32.5 E	WM	29	SW SW	31.4
24 S	32.5 E	WM	29	SE SW	31.4
Total					251.2

9. Notice of the application for 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 13, 2018, pursuant to ORS 537.225(3) 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

10. 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
Jesse Van De Stroet 1524 29 th Street Inwood, IA 51240	251.2	3.12 CFS	24 S	32.5 E	WM	29	NW NE SE SE
Douglas & Tamra Gunderson 70029 Highway 205 Burns, OR 97720	251.2	3.12 CFS	24 S	32.5 E	WM	29	NE NW SE SW

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

11. The deeds supplied with the application, match the properties proposed for assignment. OAR 690-325-0070(1)(b).
12. 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).
13. The assignment and issuance of replacement permits, as outlined in Finding of Fact #8 above, would not result in injury to other water right holders. OAR 690-325-0070(1)(d).

14. The assignment and issuance of replacement permits, as outlined in Finding of Fact #8 above, would not result in enlargement of the permit. OAR 690-325-0070(1)(d).
15. The assignment and issuance of replacement permits does not alter any other terms of Permit G-16663.

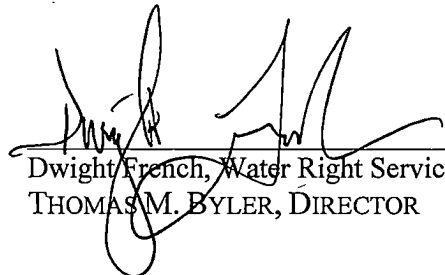
Conclusions of Law

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-12965 are approved and incorporates all previous assignments.*
2. *Permit G-16663, in the name of Douglas and Tamra Gunderson, is cancelled. Permit G-18133, in the name of Jesse Van De Stroet, and Permit G-18134 in the names of Douglas and Tamra Gunderson, are issued to supersede Permit G-16663*
3. *All other terms and conditions under Permit G-16663 are incorporated into Permits G-18133 and G-18134.*

Dated at Salem, Oregon this JAN 22 2019


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

Mailing Date: JAN 23 2019

This Proposed Final Order was prepared by Arla Davis. If you should have any questions, please do not hesitate to contact me at 503-986-0806 or arla.l.davis@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>