

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

In the Matter of Permit G-15252,	)	PROPOSED FINAL ORDER
Harney County	)	APPROVING ASSIGNMENT OF A
	)	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**

CLW FARMS, LLC  
P.O. BOX 9321  
SALT LAKE CITY, UT 84109

**Findings of Fact**

**Background**

1. On December 13, 2019, CLW FARMS, LLC, filed an application for partial assignment of Water Right Permit G-15252 and requested issuance of replacement permits. The Department assigned the application number T-13310.
2. On June 12, 2007, the Department approved a partial assignment of Permit G-15252 from Don Johnson/4-J Ranch to Thomas M. and Barbara Howard.
3. On March 3, 2008, the Department approved Permit Amendment Application T-10431, filed by Thomas M. and Barbara Howard, for a change in points of appropriation associated with 319.3 acres, as evidenced by Special Order Volume 74, Pages 307-309. A superseding permit reflecting the changes approved was not issued.
4. On July 12, 2013, the Department approved an extension of time for complete application of water to October 1, 2037.
5. On April 29, 2014, the Department approved a partial assignment of Permit G-15252 from Thomas M. and Barbara Howard to Arnold Mastre.

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.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

6. On August 25, 2014, the Department approved an assignment of the portion of Permit G-15252 formerly assigned to Arnold Mastre to Zion First National Bank.
7. On May 15, 2019, the Department approved a partial assignment by proof of Permit G-15252 from Don Johnson, 4-J Ranch/Crane Farm, Thomas M. and Barbara Howard and Zion First Nation Bank to CLW Farms, LLC and Thomas M. and Barbara Howard.
8. 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 (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
Thomas M. and Barbara Jo Howard P.O. Box 196 Drewsey, OR 97904	958.5	11.98 CFS	24 S	33 E	WM	Multiple	Multiple	6900 and 7400

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

**Permit:** G-15252 in the names of CLW FARMS, LLC AND THOMAS M. AND BARBARA HOWARD (as amended by Permit Amendment T-10431)

**Use:** IRRIGATION OF 1597.0 ACRES

**Priority Date:** JANUARY 3, 2002

**Quantity:** 19.96 CUBIC FEET PER SECOND (CFS)

**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:** MARCH 1 THROUGH OCTOBER 31

**Source:** ELEVEN WELLS IN MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	25	NE NW	WELL 3 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE N1/4 CORNER OF SECTION 25
24 S	33 E	WM	25	NE NW	WELL 13bh 1 - LAT: N 43.464272, LON: W 118.603980
24 S	33 E	WM	25	NE NW	WELL 16bh 1 - LAT: N 43.462760, LON: W 118.599802
24 S	33 E	WM	25	NE SW	WELL 6 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE S1/4 CORNER OF SECTION 25
24 S	33 E	WM	26	NE NE	WELL 2 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 26
24 S	33 E	WM	26	NE NW	WELL 1 - 1310 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF SECTION 26
24 S	33 E	WM	26	NE SW	WELL 4 - 1330 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 26
24 S	33 E	WM	26	NE SE	WELL 5 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 26
24 S	33 E	WM	35	NE NW	WELL 7 - 1310 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF SECTION 35
24 S	33 E	WM	36	NE NW	WELL 8 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE N1/4 CORNER OF SECTION 36
24 S	33 E	WM	36	NE SW	WELL 9 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE S1/4 CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	POA
24 S	33 E	WM	25	NE NW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	NW NW	6900	40.0	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SW NW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SE NW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	NE SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	NW SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SW SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SE SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	26	NE NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	NW NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SW NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SE NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	NE NW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	NW NW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	SW NW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	SE NW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	NE SW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	NW SW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	SW SW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	SE SW	7400	40.0	Wells 1 - 9
24 S	33 E	WM	26	NE SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	NW SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SW SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SE SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	35	NE NE	9100	35.8	Wells 1 - 9
24 S	33 E	WM	35	NW NE	9100	31.5	Wells 1 - 9
24 S	33 E	WM	35	SW NE	9100	0.1	Wells 1 - 9
24 S	33 E	WM	35	SE NE	9100	4.2	Wells 1 - 9
24 S	33 E	WM	35	NE NW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	NW NW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	SW NW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	SE NW	9100	32.4	Wells 1 - 9
24 S	33 E	WM	35	NE SW	9100	35.7	Wells 1 - 9
24 S	33 E	WM	35	NW SW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	NE SE	9100	13.4	Wells 1 - 9
24 S	33 E	WM	35	NW SE	9100	5.4	Wells 1 - 9
24 S	33 E	WM	36	NE NW	6900	39.9	Wells 1 - 9
24 S	33 E	WM	36	NW NW	6900	39.9	Wells 1 - 9
24 S	33 E	WM	36	SW NW	6900	39.9	Wells 1 - 9
24 S	33 E	WM	36	SE NW	6900	39.9	Wells 1 - 9
24 S	33 E	WM	36	NE SW	6900	39.9	Wells 1 - 9
24 S	33 E	WM	36	NW SW	6900	39.9	Wells 1 - 9
24 S	33 E	WM	36	SW SW	6900	39.9	Wells 1 - 9
24 S	33 E	WM	36	SE SW	6900	39.9	Wells 1 - 9
						<b>Total</b>	<b>1597.0</b>

10. Permit G-15252 contains a scrivener's error, specifically identifying WEST instead of EAST in the measured distance description of Well 1. The correct description is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	26	NE NW	WELL 1 - 1310 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF SECTION 26

11. The Applicants request Permit G-15252 be split and replacement permits be issued as follows:

**Permit A: CLW FARMS, LLC**

**Use:** IRRIGATION OF 638.5 ACRES

**Priority Date:** JANUARY 3, 2002

**Quantity:** 7.98 CUBIC FEET PER SECOND (CFS)

**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:** MARCH 1 THROUGH OCTOBER 31

**Source:** NINE WELLS IN MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	25	NE NW	WELL 3 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE N1/4 CORNER OF SECTION 25
24 S	33 E	WM	25	NE SW	WELL 6 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE S1/4 CORNER OF SECTION 25
24 S	33 E	WM	26	NE NE	WELL 2 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 26
24 S	33 E	WM	26	NE NW	WELL 1 - 1310 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF SECTION 26
24 S	33 E	WM	26	NE SW	WELL 4 - 1330 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 26
24 S	33 E	WM	26	NE SE	WELL 5 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 26
24 S	33 E	WM	35	NE NW	WELL 7 - 1310 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF SECTION 35
24 S	33 E	WM	36	NE NW	WELL 8 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE N1/4 CORNER OF SECTION 36
24 S	33 E	WM	36	NE SW	WELL 9 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE S1/4 CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	POA
24 S	33 E	WM	26	NE NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	NW NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SW NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SE NE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	NE SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	NW SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SW SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	26	SE SE	7401	40.0	Wells 1 - 9
24 S	33 E	WM	35	NE NE	9100	35.8	Wells 1 - 9

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	POA
24 S	33 E	WM	35	NW NE	9100	31.5	Wells 1 - 9
24 S	33 E	WM	35	SW NE	9100	0.1	Wells 1 - 9
24 S	33 E	WM	35	SE NE	9100	4.2	Wells 1 - 9
24 S	33 E	WM	35	NE NW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	NW NW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	SW NW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	SE NW	9100	32.4	Wells 1 - 9
24 S	33 E	WM	35	NE SW	9100	35.7	Wells 1 - 9
24 S	33 E	WM	35	NW SW	9100	40.0	Wells 1 - 9
24 S	33 E	WM	35	NE SE	9100	13.4	Wells 1 - 9
24 S	33 E	WM	35	NW SE	9100	5.4	Wells 1 - 9
Total						638.5	

**Permit B: THOMAS M. AND BARBARA JO HOWARD:**

**Use:** IRRIGATION OF 958.5 ACRES

**Priority Date:** JANUARY 3, 2002

**Quantity:** 11.98 CUBIC FEET PER SECOND (CFS)

**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:** MARCH 1 THROUGH OCTOBER 31

**Source:** ELEVEN WELLS IN MALHEUR LAKE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	25	NE NW	WELL 3 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE N1/4 CORNER OF SECTION 25
24 S	33 E	WM	25	NE NW	WELL 13bh 1 - LAT: N 43.464272, LON: W 118.603980
24 S	33 E	WM	25	NE NW	WELL 16bh 1 - LAT: N 43.462760, LON: W 118.599802
24 S	33 E	WM	25	NE SW	WELL 6 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE S1/4 CORNER OF SECTION 25
24 S	33 E	WM	26	NE NE	WELL 2 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 26
24 S	33 E	WM	26	NE NW	WELL 1 - 1310 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF SECTION 26
24 S	33 E	WM	26	NE SW	WELL 4 - 1330 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 26
24 S	33 E	WM	26	NE SE	WELL 5 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 26
24 S	33 E	WM	35	NE NW	WELL 7 - 1310 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF SECTION 35
24 S	33 E	WM	36	NE NW	WELL 8 - 1310 FEET SOUTH AND 1310 FEET WEST FROM THE N1/4 CORNER OF SECTION 36
24 S	33 E	WM	36	NE SW	WELL 9 - 1330 FEET NORTH AND 1310 FEET WEST FROM THE S1/4 CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	POA
24 S	33 E	WM	25	NE NW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	NW NW	6900	40.0	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SW NW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SE NW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	NE SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	NW SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SW SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	25	SE SW	6900	39.9	Wells 1,2,4,5,7,8,9, 13bh 1 and 16bh 1
24 S	33 E	WM	26	NE NW	7400	40.0	Wells 1 – 9
24 S	33 E	WM	26	NW NW	7400	40.0	Wells 1 – 9
24 S	33 E	WM	26	SW NW	7400	40.0	Wells 1 – 9
24 S	33 E	WM	26	SE NW	7400	40.0	Wells 1 – 9
24 S	33 E	WM	26	NE SW	7400	40.0	Wells 1 – 9
24 S	33 E	WM	26	NW SW	7400	40.0	Wells 1 – 9
24 S	33 E	WM	26	SE SW	7400	40.0	Wells 1 – 9
24 S	33 E	WM	36	NE NW	6900	39.9	Wells 1 – 9
24 S	33 E	WM	36	NW NW	6900	39.9	Wells 1 – 9
24 S	33 E	WM	36	SW NW	6900	39.9	Wells 1 – 9
24 S	33 E	WM	36	SE NW	6900	39.9	Wells 1 – 9
24 S	33 E	WM	36	NE SW	6900	39.9	Wells 1 – 9
24 S	33 E	WM	36	NW SW	6900	39.9	Wells 1 – 9
24 S	33 E	WM	36	SW SW	6900	39.9	Wells 1 – 9
24 S	33 E	WM	36	SE SW	6900	39.9	Wells 1 – 9
Total						958.5	

12. 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 June 16, 2020, 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***

13. 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 (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
CLW Farms, LLC P.O. Box 9321 Salt Lake City, UT 84109	638.5	7.98 CFS	24 S	33 E	WM	Multiple	Multiple	7401 and 9100
Thomas M. and Barbara Jo Howard P.O. Box 196 Drewsey, OR 97904	958.5	11.98 CFS	24 S	33 E	WM	Multiple	Multiple	6900 and 7400

14. The deeds supplied with the application, match the properties proposed for assignment.
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.
16. The assignment and issuance of replacement permits would not result in injury to other water right holders.
17. The assignment and issuance of replacement permits would not result in enlargement of the permit.
18. The assignment and issuance of replacement permits does not alter any other terms of Permit G-15252.

**Conclusions of Law**

The assignment and issuance of replacement permits proposed by Application T-13310 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, a final order will be issued approving the assignment and issuance of replacement permits.

*If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:*

1. *The assignment and issuance of replacement permits proposed by Application T-13310 are approved.*
2. *Permit G-18386, in the name of CLW Farms, LLC, and Permit G-18387, in the names of Thomas M. and Barbara Jo Howard are issued to supersede Permit G-15252 (original permit). Permit G-15252 (original permit) is no longer of any force or affect.*

3. *All other terms and conditions under Permit G-15252 (original permit) are incorporated into Permits G-18386 and G-18387 (superseding permits).*

Dated in Salem, Oregon on



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

This Proposed Final Order was prepared by Arla Davis. If you have questions about the information in this document, you may reach me at [arla.l.davis@oregon.gov](mailto: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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

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 servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.