

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

In the Matter of Permit G-18405,)	PROPOSED FINAL ORDER
Baker 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.

Applicants

DOUGLAS NEWMAN
14386 MUDDY CREEK LANE
HAINES, OR 97833

BRENT STUMBAUGH
PO BOX 223
HAINES, OR 97833

DON AND NANCY MCGINN
46502 SCHOOLHOUSE RD
HAINES, OR 97833

Findings of Fact

Background

1. On May 6, 2019, DOUGLAS NEWMAN, BRENT STUMBAUGH, and DON AND NANCY MCGINN filed an application for partial assignment of Water Right Permit G-18405 and requested issuance of replacement permits. The Department assigned the application number T-13485.
2. On March 10, 2004, the Department approved a partial assignment from Douglas J. and Elsie D. Newman to Eugene W. Gramzow.
3. On June 1, 2006, the Department approved a partial assignment from Eugene W. Gramzow to Brent Stumbaugh.
4. On January 31, 2008, the Department approved an extension of time for complete application of water to October 1, 2012.
5. On October 4, 2013, the Department approved an extension of time for complete application of water to October 1, 2018.

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. On May 17, 2019, the Department approved an extension of time for complete application of water to October 1, 2028.
7. The Permit to be modified and assigned is as follows:

Permit: G-18405 in the names of DOUGLAS NEWMAN, BRENT STUMBAUGH, AND DON AND NANCY MCGINN

Use: SUPPLEMENTAL IRRIGATION OF 401.33 ACRES

Priority Date: AUGUST 31, 1994

Quantity: 4.5 CUBIC FEET PER SECOND (CFS), BEING 2.25 CFS FROM ANY COMBINATION OF WELLS 1, 3, 4, AND A and 2.25 CFS FROM ANY COMBINATION OF WELLS 2, 3, AND 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 (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: FIVE WELLS IN BIG MUDDY CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	23	SE SW	WELL 3 - 1270 FEET NORTH AND 2580 FEET EAST FROM THE SE CORNER OF SECTION 22
7 S	38 E	WM	26	NW NW	WELL 2 - 10 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 26
7 S	38 E	WM	27	NE SW	WELL A - 1220 FEET SOUTH AND 899 FEET WEST FROM THE C1/4 CORNER OF SECTION 27
7 S	38 E	WM	27	NE SE	WELL 1 - 3270 FEET SOUTH AND 50 FEET WEST FROM THE NW CORNER OF SECTION 26
7 S	38 E	WM	27	NE SE	WELL 4 - 3745 FEET SOUTH AND 230 FEET WEST FROM THE NW CORNER OF SECTION 26

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Well
7 S	38 E	WM	23	SW SW	40.0	WELL 2 AND 3
7 S	38 E	WM	23	SE SW	40.0	WELL 2 AND 3
7 S	38 E	WM	26	NE NW	40.0	WELL 2 AND 3
7 S	38 E	WM	26	NW NW	40.0	WELL 2 AND 3
7 S	38 E	WM	27	SW NE	26.0	WELL 1, 4, AND A
7 S	38 E	WM	27	SE NE	27.0	WELL 1, 4, AND A
7 S	38 E	WM	27	SE NW	27.63	WELL 1, 4, AND A
7 S	38 E	WM	27	NE SW	39.7	WELL 1, 4, AND A
7 S	38 E	WM	27	SW SW	11.0	WELL 1, 4, AND A
7 S	38 E	WM	27	SE SW	40.0	WELL 1, 4, AND A
7 S	38 E	WM	27	NE SE	35.0	WELL 1, 4, AND A
7 S	38 E	WM	27	NW SE	35.0	WELL 1, 4, AND A
Total					401.33	

8. The Applicants request Permit G-18405 be split and replacement permits be issued as follows:

Permit A: DOUGLAS AND ELSIE NEWMAN:

Use: SUPPLEMENTAL IRRIGATION OF 160.0 ACRES
Priority Date: AUGUST 31, 1994
Quantity: 1.79 CUBIC FEET PER SECOND (CFS), BEING 0.895 CFS FROM ANY COMBINATION OF WELL 3 and 0.895 CFS FROM ANY COMBINATION OF WELLS 2 AND 3
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: TWO WELLS IN BIG MUDDY CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	23	SE SW	WELL 3 - 1270 FEET NORTH AND 2580 FEET EAST FROM THE SE CORNER OF SECTION 22
7 S	38 E	WM	26	NW NW	WELL 2 - 10 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 26

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	23	SW SW	40.0
7 S	38 E	WM	23	SE SW	40.0
7 S	38 E	WM	26	NE NW	40.0
7 S	38 E	WM	26	NW NW	40.0
Total					160.0

Permit B: BRENT STUMBAUGH:

Use: SUPPLEMENTAL IRRIGATION OF 163.0 ACRES
Priority Date: AUGUST 31, 1994
Quantity: 1.83 CUBIC FEET PER SECOND (CFS), BEING 0.915 CFS FROM ANY COMBINATION OF WELLS 1, 4, AND A and 0.915 CFS FROM ANY COMBINATION OF 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 (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: THREE WELLS IN BIG MUDDY CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	27	NE SW	WELL A - 1220 FEET SOUTH AND 899 FEET WEST FROM THE C1/4 CORNER OF SECTION 27
7 S	38 E	WM	27	NE SE	WELL 1 - 3270 FEET SOUTH AND 50 FEET WEST FROM THE NW CORNER OF SECTION 26

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	27	NE SE	WELL 4 – 3745 FEET SOUTH AND 230 FEET WEST FROM THE NW CORNER OF SECTION 26

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	27	SW NE	18.0
7 S	38 E	WM	27	SE NE	27.0
7 S	38 E	WM	27	NE SW	7.0
7 S	38 E	WM	27	SW SW	11.0
7 S	38 E	WM	27	SE SW	40.0
7 S	38 E	WM	27	NE SE	35.0
7 S	38 E	WM	27	NW SE	25.0
Total					163.0

Permit C: DON AND NANCY MCGINN:

Use: SUPPLEMENTAL IRRIGATION OF 78.33 ACRES

Priority Date: AUGUST 31, 1994

Quantity: 0.88 CUBIC FOOT PER SECOND (CFS), BEING 0.44 CFS FROM ANY COMBINATION OF WELLS 1, 4, AND A and 0.44 CFS FROM ANY COMBINATION OF 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 (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: THREE WELLS IN BIG MUDDY CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	27	NE SW	WELL A – 1220 FEET SOUTH AND 899 FEET WEST FROM THE C1/4 CORNER OF SECTION 27
7 S	38 E	WM	27	NE SE	WELL 1 - 3270 FEET SOUTH AND 50 FEET WEST FROM THE NW CORNER OF SECTION 26
7 S	38 E	WM	27	NE SE	WELL 4 – 3745 FEET SOUTH AND 230 FEET WEST FROM THE NW CORNER OF SECTION 26

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	27	SW NE	8.0
7 S	38 E	WM	27	SE NW	27.63
7 S	38 E	WM	27	NE SW	32.7
7 S	38 E	WM	27	NW SE	10.0
Total					78.33

9. 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 10, 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

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 (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
Douglas Newman 14386 Muddy Creek Ln Haines, OR 97833	160.0	1.79	7 S	38 E	WM	27	Multiple	6400
Brent Stumbaugh PO Box 223 Haines, OR 97833	1.63	1.83	7 S	38 E	WM	27	Multiple	301 and 302
Don & Nancy McGinn 46502 Schoolhouse Rd Haines, OR 97833	78.33	0.88	7 S	38 E	WM	27	Multiple	300

11. The deeds supplied with the application, match the properties proposed for assignment.
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.
13. The assignment and issuance of replacement permits would not result in injury to other water right holders.
14. The assignment and issuance of replacement permits would not result in enlargement of the permit.
15. The assignment and issuance of replacement permits does not alter any other terms of Permit G-18405.

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13485 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.

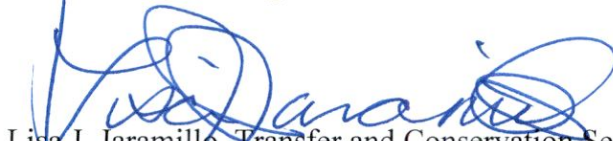
If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:

1. *The assignment and issuance of replacement permits proposed by Application T-13485 are approved.*

2. *Permit G-18489, in the name of Douglas and Elsie Newman, Permit G-18490 in the name of Brent Stumbaugh, and Permit G-18491 in the names of Don and Nancy McGinn are issued to supersede Permit G-18405 (original permit). Permit G-18405 (original permit) is no longer of any force or affect.*
3. *All other terms and conditions under Permit G-18405 (original permit) are incorporated into Permits G-18489, G-18490, and G-18491 (all superseding permits).*

FEB 17 2021

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

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.