

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

In the Matter of Permit G-13843,)	PROPOSED FINAL ORDER
Umatilla 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

WESLIE ADAMS AND KAREN ADAMS
30875 KLAUS ROAD
HERMISTON, OR 97838

JUVENTINO MADRIGAL CARDOZA AND
MONICA RODRIGUEZ
303 WALLA WALLA STREET
UMATILLA, OR 97882

Findings of Fact

Background

1. On April 20, 2021, WESLIE ADAMS AND KAREN ADAMS, JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ, filed an application for partial assignment of Water Right Permit G-13843 and requested issuance of replacement permits. The Department assigned the application number T-13760.
2. On October 2, 2007, the Department approved a partial assignment of Permit G-13843 from Don Huffman to Donna M. and Mark W. Beverage.
3. On January 24, 2008, the Department approved an extension of time for complete application of water to October 1, 2009.
4. On October 15, 2008, the Department approved an assignment from Donna M. and Mark W. Beverage to Kim A. Williams.
5. On December 29, 2008, the Department approved a partial assignment of Permit G-13843 from Kim. A. Williams to Hoot Abraham Royer.

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 June 8, 2009, the Department approved Permit Amendment T-10871 approving a change in point of appropriation, recorded at Special Order Volume 78, pages 66-68.
7. On September 9, 2011, the Department approved an extension of time for complete application of water to October 1, 2014
8. On September 9, 2014, the Department approved a partial assignment of Permit G-13843 from Hoot Abraham Royer to Robert S. Carr and Joann Carr.
9. On September 9, 2014, the Department approved a partial assignment of Permit G-13843 from Hoot Abraham Royer to Weslie F Adams and Karen Adams.
10. On January 30, 2015, the Department approved an extension of time for complete application of water to October 1, 2019.
11. On December 4, 2020, the Department approved an extension of time for complete application of water to October 1, 2023.
12. On March 10, 2021, the Department approved a partial assignment of Permit G-13843 from Robert S. Carr and Joann Carr to Juventino Madrigan Cardozo and Monica Rodriguez.

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

Permit: G-13843 (modified by Permit Amendment T-10871) in the name of KIM A. WILLIAMS, WESLIE ADAMS, KAREN ADAMS, JUVENTINO MADRIGAL CARDOZA, AND MONICA RODRIGUEZ

Use: IRRIGATION of 38.72 ACRES

Priority Date: AUGUST 5, 1999

Rate: MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 0.484 CUBIC FOOT PER SECOND (CFS), BEING 0.156 CFS FROM WELL 1 AND 0.203 CFS FROM EACH OF WELLS 2 AND 3

Limit/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: FOUR WELLS in UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SE NE	WELL 1 - 900 FEET NORTH AND 900 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 2 - 340 FEET NORTH AND 690 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 3 - 1060 FEET NORTH AND 545 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 4 - 50 FEET NORTH AND 636 FEET WEST FROM THE E1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	POA
5 N	28 E	WM	27	SE NE	7.67	WELL 4
5 N	28 E	WM	27	SE NE	31.05	WELL 1, WELL 2, WELL 3
TOTAL					38.72	

14. The Applicants request Permit G-13483 be split and replacement permits be issued as follows:

Permit A: WESLIE ADAMS AND KAREN ADAMS

Use: IRRIGATION of 4.0 ACRES

Priority Date: AUGUST 5, 1999

Rate: 0.050 CUBIC FOOT PER SECOND

Limit/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: A WELL within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SE NE	WELL 4 - 50 FEET NORTH AND 636 FEET WEST FROM THE E1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	27	SE NE	4.0

Permit B: JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ

Use: IRRIGATION of 3.67 ACRES

Priority Date: AUGUST 5, 1999

Rate: 0.046 CUBIC FOOT PER SECOND

Limit/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: A WELL within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SE NE	WELL 4 - 50 FEET NORTH AND 636 FEET WEST FROM THE E1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	27	SE NE	3.67

Permit C: KIM WILLIAMS

Use: IRRIGATION of 31.05 ACRES

Priority Date: AUGUST 5, 1999

Rate: MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 0.388 CUBIC FOOT PER SECOND (CFS), BEING 0.156 CFS FROM WELL 1 AND 0.203 CFS FROM EACH OF WELLS 2 AND 3

Limit/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 UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	27	SE NE	WELL 1 - 900 FEET NORTH AND 900 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 2 - 340 FEET NORTH AND 690 FEET WEST FROM THE E1/4 CORNER OF SECTION 27
5 N	28 E	WM	27	SE NE	WELL 3 - 1060 FEET NORTH AND 545 FEET WEST FROM THE E1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	27	SE NE	31.05

15. 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 February 22, 2022, 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

16. 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	Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
WESLIE ADAMS AND KAREN ADAMS 30875 KLAUS ROAD HERMISTON, OR 97838	4.0	0.046						303
JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ 303 WALLA WALLA STREET UMATILLA, OR 97882	3.67	0.050	5 N	28 E	WM	27	SE NE	305
KIM WILLIAMS 5950 NW SIMNASHO DR PORTLAND, OR 97229	31.05	0.388						300, 301, 302, 304, 400

- 17. The deeds supplied with the application, match the properties proposed for assignment.
- 18. 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.
- 19. The assignment and issuance of replacement permits would not result in injury to other water right holders.
- 20. The assignment and issuance of replacement permits would not result in enlargement of the permit.
- 21. The assignment and issuance of replacement permits does not alter any other terms of Permit G-13843 (modified by Permit Amendment T-10871).

Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-13760 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.

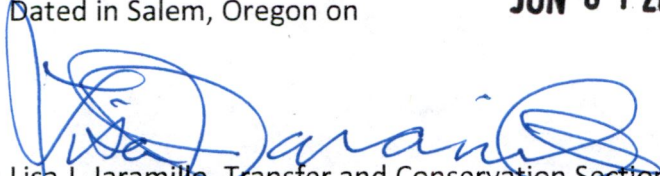
If a final order approving the request for assignment and issuance of superseding permits is issued, the order will contain the following conditions:

- 1. *The assignment and issuance of replacement permits proposed by Application T-13760 are approved.*

2. *Permit G-18749, in the names of WESLIE ADAMS AND KAREN ADAMS, Permit G-18750 in the names of JUVENTINO MADRIGAL CARDOZA AND MONICA RODRIGUEZ and Permit G-18751, in the name of KIM A. WILLIAMS are issued to supersede Permit G-13843 (original permit modified by Permit Amendment T-10871). Permit G-13843 (original permit modified by Permit Amendment T-10871) is no longer of any force or affect.*
3. *All other terms and conditions under Permit G-13483 (original permit modified by Permit Amendment T-10871) are incorporated into Permits G-18749, G-18750, and G-18751 (superseding permits).*

Dated in Salem, Oregon on

JUN 01 2022



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 503-979-3129 or arla.l.davis@water.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 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.