

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

In the Matter of the Completion of a Change) DETERMINATION OF SATISFACTORY PROOF
in Place of Use Under Transfer Application) OF COMPLETION FOR A PERMANENT
T-13268, Hood River County) DISTRICT TRANSFER

Authority

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statute (ORS) 540.530(2)(a) and OAR 690-385-7600 authorize the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent district transfer.

Applicant

FARMERS IRRIGATION DISTRICT
1985 COUNTY CLUB RD
HOOD RIVER, OR 97031

Findings of Fact

1. On January 8, 2020, the Department signed a final order, which was mailed on January 9, 2020, and recorded in Special Order Volume 114, Pages 626-635, approving Transfer Application T-13268 involving Certificates 74306, 85974, 74299, 85975, 85976 and Permit S-55225. The final order established October 1, 2021, as the date for completion of the authorized changes in place of use.
2. On January 27, 2021, the Department issued new superseding certificates to Farmers Irrigation District. Certificate 74306 was superseded by Certificate 95429, Certificate 85974 by Certificate 95431, Certificate 74299 by Certificate 95432, Certificate 85975 by Certificate

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

95433, and Certificate 85976 by Certificate 95434. The proposed lands from Transfer T-13268 are included on these superseding water rights as inchoate lands.

3. On September 29, 2021, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13268.
4. On November 8, 2021, the Department received amended maps and thereby satisfied the requirements for providing proof of use under OAR 690-385-7400.
5. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-13268.
6. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
7. The proposed place of use for Certificate 74306 (now 95429) as approved the final order for Transfer Application T-13268, and as recorded in Special Order Volume 114, Pages 626-635 is shown in Table 1, below:

Table 1:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	3	SW SW	4.80	3001	JOHNSON	8170
2 N	10 E	WM	11	SW NW	3.55	2503	PORT OF HOOD RIVER	7975
Total:					8.35			

8. Based on information in the CBU and on the final proof maps, beneficial use under T-13268 has been demonstrated for the place of use for under Certificate 74306 (now 95429) as described in Table 2, below:

Table 2:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot ¹	Water User ¹	Notice
2 N	10 E	WM	3	SW SW	2.40	3101	LANDEROS	8170
2 N	10 E	WM	3	SW SW	2.40	3102	BARAJAS	8170
2 N	10 E	WM	11	SW NW	3.55	2503	PORT OF HOOD RIVER	7975
Total:					8.35			

¹Tax Lot numbers listed in **bold** are have changed since issuance of the transfer final order.

²The water users listed in **bold** are different from the water users that were listed in the transfer final order.

12. The proposed place of use for Certificate 85976 (now 95434) as approved the final order for Transfer Application T-13268, and as recorded in Special Order Volume 114, Pages 626-635 is shown in Table 6, below:

Table 6:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	4	NE SW	1.20	2800	COX	N/A
2 N	10 E	WM	4	SW SE	0.90	2400	JACKSON	8018
2 N	10 E	WM	4	SE SE	0.75	3400	YODER	8014
Total:					2.85			

13. The proposed place of use for Permit S-55225 as approved the final order for Transfer Application T-13268, and as recorded in Special Order Volume 114, Pages 626-635 is shown in Table 7, below:

Table 7:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User ¹	Notice
2 N	10 E	WM	8	SE NW	0.65	901	BEATTY	N/A
2 N	10 E	WM	8	SE NW	0.20	902	MLAKAR	N/A
Total:					0.85			

¹The water user listed in **bold** is different from the water user that was listed in the transfer final order. It has been updated here to reflect the changes as shown in the CBU.

14. Based on the review of evidence submitted by the applicant, the Department finds that the application of water to beneficial use under the terms of the transfer final order for T-13268 was completed to the extent authorized in the transfer as described in Tables 2, 3, 4, 5, 6, and 7, above.

Conclusions of Law

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 2, 3, 4, 5, 6, and 7, above.
3. The applicant has demonstrated proof of completion under T-13268 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-13268 consistent with this determination of satisfactory proof of completion.

9. The proposed place of use for Certificate 85974 (now 95431) as approved the final order for Transfer Application T-13268, and as recorded in Special Order Volume 114, Pages 626-635 is shown in Table 3, below:

Table 3:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User ¹	Notice
2 N	10 E	WM	4	NE SW	1.20	2800	COX	N/A
2 N	10 E	WM	4	SW SE	0.90	2400	JACKSON	8015
2 N	10 E	WM	4	SE SE	0.75	3400	YODER	8011
2 N	10 E	WM	8	SE NW	0.65	901	BEATTY	N/A
2 N	10 E	WM	8	SE NW	0.20	902	MLAKAR	N/A
2 N	10 E	WM	19	NE NE	5.15	300	KOBAYASHI	8024
Total:					8.85			

¹ The water user listed in **bold** is different from the water user that was listed in the transfer final order. It has been updated here to reflect the changes as shown in the CBU.

10. The proposed place of use for Certificate 74299 (now 95432) as approved the final order for Transfer Application T-13268, and as recorded in Special Order Volume 114, Pages 626-635 is shown in Table 4, below:

Table 4:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	4	NE SW	1.20	2800	COX	N/A
2 N	10 E	WM	4	SW SE	0.90	2400	JACKSON	8016
2 N	10 E	WM	4	SE SE	0.75	3400	YODER	8012
Total:					2.85			

11. The proposed place of use for Certificate 85975 (now 95433) as approved the final order for Transfer Application T-13268, and as recorded in Special Order Volume 114, Pages 626-635 is shown in Table 5, below:

Table 5:

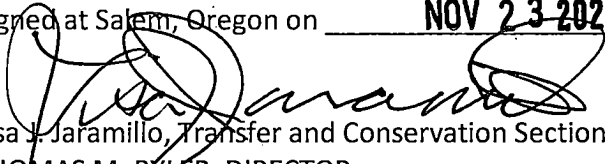
SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User ¹	Notice
2 N	10 E	WM	4	NE SW	1.20	2800	COX	N/A
2 N	10 E	WM	4	SW SE	0.90	2400	JACKSON	8017
2 N	10 E	WM	4	SE SE	0.75	3400	YODER	8013
2 N	10 E	WM	8	SE NW	0.65	901	BEATTY	N/A
2 N	10 E	WM	8	SE NW	0.20	902	MLAKAR	N/A
2 N	10 E	WM	19	NE NE	5.15	300	KOBAYASHI	8025
Total:					8.85			

¹ The water user listed in **bold** is different from the water user that was listed in the transfer final order. It has been updated here to reflect the changes as shown in the CBU.

Now, therefore, it is ORDERED:

Water right Certificates 95429, 95431, 95432, 95433, 95434 and Permit S-55225 are modified as shown in Tables 2, 3, 4, 5, 6, and 7, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on NOV 23 2021


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

Mailing Date: NOV 24 2021