

**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-12554, 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 October 30, 2017, the Department signed a final order, which was mailed on November 2, 2017, and recorded in Special Order Volume 107, Pages 46-53, approving Transfer Application T-12554 involving Certificates 74306, 85974, 74302, 74299 as modified by CW-92, 85975 and 85976. The final order established October 1, 2019, as the date for completion of the authorized changes in place of use.

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.

2. On August 6, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12554.
3. On August 12, 2019 the Department received four revised maps, thereby satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-12554.
5. 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.
6. The proposed place of use for Certificate 74306 as approved the final order for Transfer Application T-12554, and as recorded in Special Order Volume 107, Pages 46-53 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	NW NW	0.05	2505	ALBERTS	N/A
2 N	10 E	WM	3	NW SW	1.85	2800	DAVIDSON ¹	7683
2 N	10 E	WM	3	SW SE	0.25	0400	FOWLER	N/A
3 N	10 E	WM	33	SE NE	2.00	2600	HEIN	7674
3 N	10 E	WM	34	SW NE	1.10	4200	GRIGGS	7608
3 N	10 E	WM	34	SE NW	0.40	0407	WINDCOVE	N/A
Total:					5.65			

¹ This is different from the water user (HCP Properties) that was listed in the transfer final order. It has been updated here to reflect the change as shown in the CBU.

7. The proposed place of use for Certificate 85974 as approved the final order for Transfer Application T-12554, and as recorded in Special Order Volume 107, Pages 46-53 is shown in Table 2, below:

Table 2:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	10	NW NW	2.85	2300	DE LA ROSA	7609
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
Total:					2.90			

8. The proposed place of use for Certificate 74299 as approved the final order for Transfer Application T-12554, and as recorded in Special Order Volume 107, Pages 46-53 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	10	NW NW	2.85	2300	DE LA ROSA	7610
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
Total:					2.90			

9. The proposed place of use for Certificate 74302 as approved the final order for Transfer Application T-12554, and as recorded in Special Order Volume 107, Pages 46-53 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	16	NE NE	0.05	0201	SANCHEZ	N/A

10. The proposed place of use for Certificate 85975 as approved the final order for Transfer Application T-12554, and as recorded in Special Order Volume 107, Pages 46-53 is shown in Table 5, below:

Table 5:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	10	NW NW	2.85	2300	DE LA ROSA	7611
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
Total:					2.90			

11. The proposed place of use for Certificate 85976 as approved the final order for Transfer Application T-12554, and as recorded in Special Order Volume 107, Pages 46-53 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	10	NW NW	2.85	2300	DE LA ROSA	7612
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
Total:					2.90			

12. 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-12554 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, 5, and 6, 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 1, 2, 3, 4, 5, and 6, above.
3. The applicant has demonstrated proof of completion under T-12554 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12554 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 74306, 85974, 74302, 74299 as modified by CW-92, 85975 and 85976 are modified as shown in Tables 1, 2, 3, 4, 5, and 6, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on SEP 03 2019.



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

Mailing Date: SEP 04 2019