

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

In the Matter of the Completion of a Change ) DETERMINATION OF SATISFACTORY  
in Place of Use Under Transfer Application ) PROOF OF COMPLETION FOR A  
T-12849, Malheur County ) PERMANENT 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**

OWHYHEE IRRIGATION DISTRICT  
17 SOUTH FIRST ST  
NYSSA, OR 97913

**Findings of Fact**

1. On September 19, 2018, the Department signed a final order, which was mailed on September 20, 2018, and recorded in Special Order Volume 109, Pages 411-416, approving Transfer Application T-12849 involving Certificates 75691, 75671, 75708, and 75689. The final order established October 1, 2018, as the date for completion of the authorized changes in place of use.
2. On September 5, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12849 satisfying the requirements for providing proof of use under OAR 690-385-7400.

**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.

3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T- 12849.
4. 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.
5. The proposed place of use for Certificate 75691 as approved the final order for Transfer Application T-12849, and as recorded in Special Order Volume 109, Pages 411-416, is shown in Table 1, below:

**Table 1:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	46 E	WM	26	SE SW	1.80	7000	JOYCE	17-60202
17 S	46 E	WM	26	SW SE	3.16	7000	JOYCE	17-60202
17 S	47 E	WM	3	NW NW	0.30	100	RANDALL TRUST	17-75101
17 S	47 E	WM	8	NE SW	0.60	1000	TSCHIDA	17-77200
20 S	45 E	WM	12	SW SE	2.50	1300	BANCROFT	17-24200
20 S	45 E	WM	13	NE NE	4.00	1300	BANCROFT	17-24200
20 S	45 E	WM	13	NW NE	4.50	1300	BANCROFT	17-24200
20 S	46 E	WM	17	NE SE	1.20	200*	CLEAVER	17-24501
20 S	46 E	WM	17	SW SE	1.90	200*	CLEAVER	17-24501
21 S	46 E	WM	11	SE SW	0.45	1600	MARTIN	17-6500
<b>Total:</b>					<b>20.41</b>			

\*A new tax lot number has been assigned to this parcel. It has been updated here from tax lot number 201 to reflect the change as shown in the CBU.

6. 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-12849 was completed to the extent authorized in the transfer as described in Table 1.

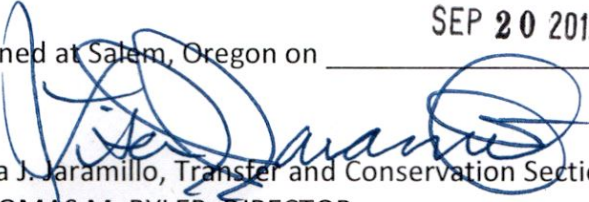
### Conclusions of Law

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 Table 1, above.
3. The applicant has demonstrated proof of completion under T-12849 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12849 consistent with this determination of satisfactory proof of completion.

**Now, therefore, it is ORDERED:**

1. Water right Certificates 75691, is modified as shown in Tables 1, 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 20 2019

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

Mailing Date: SEP 23 2019