

- 2) OAR 690-507-0770 states in pertinent part that the use of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area shall be limited to the sustainable annual yield. Water from the basalt groundwater reservoir in the Stage Gulch Critical Groundwater Area shall be used for irrigation only during the irrigation season. The irrigation season shall begin on the 1st of March and end on the 30th of November. The Department shall not accept any new applications for appropriation of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area.
- 3) OAR 690-507-0780 states in pertinent part that appropriation of groundwater from the Stage Gulch Critical Groundwater Area is prohibited unless the water user meets certain requirements. A water user authorized by OAR 690-507-0810 to pump water from the basalt groundwater reservoir shall satisfy the following conditions:
- Wells shall have an access port with a minimum diameter of 3/4 inch. The access shall be adequate to determine the water level at any time;
 - A water user may install a functioning airline with a pressure gage in addition to the access port.
 - A water user shall install and maintain a totalizing flow meter on each well authorized by OAR 690-507-0810 except wells authorized for irrigation of ten acres or less. The meter shall meet the requirements of OAR 690-507-0785.
- 4) OAR 690-507-0810 states in pertinent part that the method for distributing the sustainable annual yield from the basalt groundwater reservoir within each managed subarea in the Stage Gulch Critical Groundwater Area is as follows:
- A water user who intends to pump water for any authorized use except municipal use during any year shall make a request to the Department in Salem by July 1st of the preceding year on forms provided by the Department;
 - The Department shall assume that municipal water users intend to pump a quantity of water equivalent to the average pumped for the previous three (3) years, unless the municipal water user informs the Department otherwise by July 1st;
 - The distribution of groundwater for any authorized use except municipal use shall be based on the priority dates of the water rights within the individual subarea;
 - In determining the amount of groundwater each water user is allocated to pump during the next calendar year or irrigation season, the Department may consider:
 - ◆ Requests for allocations received;
 - ◆ The sustainable annual yield;
 - ◆ The limits of the groundwater rights;
 - ◆ The relative dates of priority, with preference given without regard to priority date for municipal use;

- ◆ Historical usage;
 - ◆ Whether or not a water user is physically capable of pumping and putting to a beneficial use the quantity requested; and
 - ◆ Any other factors deemed appropriate by the Department.
- If pumpage for a particular year exceeds the sustainable annual yield for a subarea, the total subarea allocation for the second year after that occurrence shall be reduced by that volume.
 - If any water user requests more water than has been historically used, the Department may allocate less water than requested if, upon investigation, it appears unlikely the user will pump the volume requested.
 - If any water user requests less water than has been historically used, the Department may allocate more water than requested if, upon investigation, it appears likely that the user will pump more than the volume requested.

FINDINGS OF FACT

- 1) Double M Ranch, Inc. is a senior water right holder in Subarea A.
- 2) Certificates 79537 and 75938 and Order Approving Transfer T-8865 were perfected under Permit G-7614, having a priority date of June 24, 1977, and authorize irrigation of 57.0 acres.
- 3) The sustainable annual yield for Subarea A is 11,450 acre-feet.
- 4) In 2006, 11,450 acre-feet of water was allocated in Subarea A.
- 5) Flow meter and power meter data collected by Department staff indicate that 9,433 acre-feet of water was pumped from permitted wells in Subarea A in 2006.
- 6) The Subarea A allocation for 2008 is 11,450 acre-feet, the sustainable annual yield.
- 7) On May 31, 2007, the Department sent letters requesting water users within the Stage Gulch Critical Ground Water Area to submit their 2008 requests for the volume of water needed.
- 8) Double M Ranch, Inc. filed a request for water use in 2008, Stage Gulch Critical Ground Water Area, Subarea A, authorized under Water Right Certificates 79537 and 75938 and Order Approving Transfer T-8865.
- 9) Double M Ranch, Inc. requested 150 acre-feet for 2008, under Water Right Certificates 79537 and 75938 and Order Approving Transfer T-8865.
- 10) Flow meter and power meter records indicate that annual pumpage from the permitted well has varied. Less water was pumped in 2006 than in prior years. Therefore, the 2008 allocation is for 110 acre-feet.

11) The use of water is limited to the place of use described in attached Certificates 79537 and 75938 and Order Approving Transfer T-8865.

DISCUSSION

Double M Ranch, Inc. is a senior water right holder in Subarea A. The sustainable annual yield for Subarea A is 11,450 acre-feet. Allocations are made to the municipal water users in Subarea A first. Then allocations are made to the senior water rights. Flow meter and power meter records indicate that the permitted wells pumped 9,433 acre-feet of water in 2006. The allocation for Double M Ranch, Inc. does not exceed the limits of the water right or the sustainable annual yield for Subarea A. Therefore, the 2008 allocation is for 110 acre-feet. This is consistent with OAR 690-507-0810.


CONCLUSIONS OF LAW

The allocation of ground water for the State Gulch Critical Ground Water Area for the year 2008 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and Oregon Administrative Rules Chapter 690, Division 507.

ORDER

Now, THEREFORE, it is ORDERED that 110 acre-feet of water is allocated to Double M Ranch, Inc. for the year 2008 under Certificates 79537 and 75938 and Order Approving Transfer T-8865 for Subarea A of the Stage Gulch Critical Ground Water Area.

Dated at Salem, Oregon this 10TH day of August, 2007.



Jerry S. Rodgers, Administrator
Technical Services Division

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOUBLE M RANCH, INC.
P.O. BOX 38
ADAMS, OREGON 97810

confirms the right to use the waters of A WELL, within the UMATILLA RIVER BASIN for IRRIGATION OF 25.9 ACRES.

This right was perfected under Permit G-7614. The date of priority is JUNE 24, 1977. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, T 4 N, R 28 E, W.M.; 620 FEET SOUTH AND 1560 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 34.

The amount of water used for irrigation, 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.9 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.7 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.9 ACRES

SECTION 34

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOUBLE M RANCH, INC.
P.O. BOX 38
ADAMS, OREGON 97810

confirms the right to use the waters of A WELL, within the UMATILLA RIVER BASIN for SUPPLEMENTAL IRRIGATION OF 0.6 ACRE.

This right was perfected under Permit G-7614. The date of priority is JUNE 24, 1977. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.007 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, T 4 N, R 28 E, W.M.; 620 FEET SOUTH AND 1560 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 34.

The amount of water used for irrigation, 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, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.6 ACRES
SECTION 34
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

STATE OF OREGON

COUNTY OF UMATILLA

**ORDER APPROVING A CHANGE IN PLACE OF USE AND
DIMINISHMENT OF WATER RIGHTS**

Pursuant to ORS 540.580, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8865 submitted by:

WESTLAND IRRIGATION DISTRICT (Double M Ranch, Inc.)
P.O. BOX 416
STANFIELD, OREGON 97875.

The rights to be modified are evidenced by portions of:

Certificate	Priority Date	Source (Primary or Supplemental)
76715	March 14, 1903	Umatilla Reservoir Primary
79439	July 1, 1924	McKay Reservoir Supplemental
T-6833	February 1, 1968	Wells #1 and #2 Primary and Supplemental
58969	May 5, 1975	Raley Pond Supplemental
76767	June 24, 1977	A Well Supplemental

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 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Certificate	Priority Date	Source (Primary or Supplemental)
76768	June 24, 1977	A Well Primary

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, as evidenced by Certificate 76715. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Pages 246-247 and Volume 15, at Pages 437-439, and 441. The date of priority is MARCH 14, 1903.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 96.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.21 cubic feet per second, subject to the provisions of Paragraph 32 of the decree, if available at the authorized point of diversion from the Umatilla River: SW¼ NE¼ OF SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the Umatilla River.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
3N	28E	13	SW NE	4160	1.5
3N	28E	13	SE NE	4100	1.2
3N	28E	13	NE SW	4180	2.5
3N	28E	13	SE SW	4101	2.0
3N	28E	13	NE SE	4190	35.8
3N	28E	13	NW SE	4190	37.5
4N	28E	34	NE SW	3400	2.8
4N	28E	34	NW SE	3405	13.4
Total					96.7

The second right to be modified was perfected under a portion of Certificate 79439 with a date of priority of JULY 1, 1924. The right allows the use stored water from MCKAY RESERVOIR, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION OF 96.7 ACRES.

This right is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season of each year, if available at the authorized point of diversion: MCKAY RESERVOIR - NW¼ SE¼, SECTION 34, T 2 N, R 32 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
3N	28E	13	SW NE	4160	1.5
3N	28E	13	SE NE	4100	1.2
3N	28E	13	NE SW	4180	2.5
3N	28E	13	SE SW	4101	2.0
3N	28E	13	NE SE	4190	35.8
3N	28E	13	NW SE	4190	37.5
4N	28E	34	NE SW	3400	2.8
4N	28E	34	NW SE	3405	13.4
Total					96.7

The third right to be modified was perfected under a portion of Permit G-3971 with a date of priority of February 1, 1968, and modified under transfer application T-6833. The claim of beneficial use filed for T-6833 provided satisfactory evidence that use of water was made to the full extent under the terms and conditions of the order approving the transfer. Thus, satisfactory proof of completion of the change has been submitted to the Director of Water Resources Department making the water right subject to transfer.

The right allows the use of water from WELLS #1 & #2, within the UMATILLA BASIN, for IRRIGATION of 27.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, or it's equivalent in case of rotation, measured at the authorized point of diversion: WELL #1 - NW¼ NE¼, SECTION 13, T 3 N, R 28 E, W.M.; 270 FEET SOUTH AND 2540 FEET WEST FROM THE NE CORNER OF SECTION 13; WELL #2 - SW¼ NW¼, SECTION 18, T 3 N, R 29 E, W.M.; 1450 FEET SOUTH AND 3160 FEET WEST FROM THE N¼ CORNER, SECTION 18, or its equivalent in case of rotation, measured at the wells.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
3N	28E	13	NE NE	4100	3.1
3N	28E	13	NW NE	4100	22.1
3N	28E	13	SW NE	4160	2.1
Total					27.3

The fourth right to be modified, was perfected under a portion of Certificate 58969, with a date of priority of May 5, 1975. The right allows the use of water from RALEY POND, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 15.6 ACRES. The right is limited to not more than 0.39 cubic foot per second, if available at the authorized point of diversion: NE¼ SW¼, Section 34, T 4 N, R 28 E, W.M.; 1460 FEET NORTH AND 1840 FEET EAST FROM THE SW CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein..

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
4N	28E	34	NE SW	3400	0.3
4N	28E	34	NE SW	3400	2.8
4N	28E	34	SE SW	3400	1.1
4N	28E	34	NE SE	3405	2.2
4N	28E	34	NW SE	3405	9.9
4N	28E	34	NW SE	3405	12.8
4N	28E	34	SW SE	3400	1.4
Total					30.5

The fifth right to be modified, was perfected under a portion of Certificate 76767, with a date of priority of June 24, 1977. The right allows the use of water from A WELL, within the UMATILLA RIVER basin, for SUPPLEMENTAL IRRIGATION of 15.6 ACRES. The right is limited to not more than 0.19 cubic foot per second, if available at the original well: NW¼ SE¼, SECTION 34, T 4 N, R 28 E, W.M.; 620 FEET SOUTH AND 1560 FEET WEST FROM THE E¼ CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
4N	28E	34	NE SW	3400	2.8
4N	28E	34	NW SE	3405	12.8
Total					15.6

The sixth right to be modified, was perfected under a portion of Certificate 76768, with a date of priority of June 24, 1977. The right allows the use of water from A WELL, within the UMATILLA RIVER basin, for PRIMARY IRRIGATION of 14.9 ACRES. The right is limited to not more than 0.19 cubic foot per second, if available at the original well: NW¼ SE¼, SECTION 34, T 4 N, R 28 E, W.M.; 620 FEET SOUTH AND 1560 FEET WEST FROM THE E¼ CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
4N	28E	34	NE SW	3400	0.3
4N	28E	34	SE SW	3400	1.1
4N	28E	34	NE SE	3405	2.2
4N	28E	34	NW SE	3405	9.9
4N	28E	34	SW SE	3400	1.4
Total					14.9

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described.

The District requests to move the rights listed in tables above to the locations listed below.

Tabulation of "TO LANDS"										
Certificates					76715	79439	G-3971	58969	76767	76768
Priority Dates					1903	1924	1968	1975	1977	1977
Source					Primary	Supp.	Primary	Supp.	Supp.	Primary
TWP	RNG	SEC	1/4 1/4	TL						
3N	28	13	NE NE	4100	3.10	3.10	2.90*			
3N	28	13	NW NE	4100			2.10			
3N	28	13	NW NE	4100	31.60	31.60	7.30*			
3N	28	13	SW NE	4100	12.90	12.90				
3N	28	13	NE NW	4100	17.60	17.60				
3N	28	13	NE NW	4100			15.00			

Certificates					76715	79439	G-3971	58969	76767	76768
Priority Dates					1903	1924	1968	1975	1977	1977
Source					Primary	Supp.	Primary	Supp.	Supp.	Primary
TWP	RNG	SEC	1/4 1/4	TL						
3N	28	13	SE NW	4100	15.30	15.30				
4N	28	34	NE SW	3400	1.20	1.20		1.20	1.20	
4N	28	34	NE SW	3400	0.20	0.20		0.20		0.20**
4N	28	34	NE SW	3400				1.00		1.00
4N	28	34	NW SE	3405	14.40	14.40		14.40	14.40	
4N	28	34	NW SE	3405	0.40	0.40		0.40		0.40**
4N	28	34	NW SE	3405				11.60		11.60
4N	28	34	SW SE	3400				0.80		0.80
4N	28	34	SE SE	3400				0.90		0.90
TOTAL ACRES					96.70	96.70	27.30	30.50	15.60	14.90

* Note: Permit G-3971 diminished to supplemental on these acres.

**Note: Certificate 76768 (Permit G-7614) diminished to supplemental on these acres.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

CANCELLATION OF A PORTION OF PERMIT 53063

On January 16, 2002, the Department received a signed statement from Diana Hopper, owner of lands to which a portion of Permit 53063 is appurtenant. The statement declares the owner will not perfect a portion of the supplemental right, Permit 53063, appurtenant to the land because the primary Westland Irrigation District right will be transferred to another location. The owner therefore abandons any and all interest in the portion of this permit on lands described as follows, and authorizes the Department to cancel the portion of the right to use plant process water and a reservoir (constructed under permit R-72400) for supplemental irrigation of 15.6 acres located:

NW¼ SE¼ 15.6 ACRES
SECTION 34
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

DIMINISHMENT OF A PORTION OF CERTIFICATE 76768 AND A PORTION OF PERMIT G-3971 UNDER TRANSFER 6833

Diana L. Hopper submitted an affidavit stating: 1) she is the owner of lands (tax lot 3405) to which a portion of the water right described under Certificate 76768 is appurtenant; and 2) she requests to diminish a portion of the right from primary to supplemental irrigation. The portion of the right to become supplemental to Certificate 76715 is the portion of the right for the use of 0.005 cubic foot per second from a well for irrigation of 0.4 acre located as follows:

NW¼ SE¼ 0.4 ACRE
SECTION 34
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

Patricia A. Hopper submitted an affidavit stating: 1) she is the owner of lands (tax lot 3400) to which a portion of the water right described under Certificate 76768 is appurtenant; and 2) she requests to diminish a portion of the right from primary to supplemental irrigation. The portion of the right to become supplemental to Certificate 76715 is the portion of the right for the use of 0.002 cubic foot per second from a well for irrigation of 0.2 acre located as follows:

NE¼ SW¼ 0.2 ACRE
SECTION 34
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

Mike Taylor of Double M Ranch, Inc. submitted an affidavit stating: 1) Double M. Ranch, Inc. is the owner of lands (tax lot 4100) to which a portion of the water right described under groundwater Permit G-3971 is appurtenant; and 2) Double M. Ranch, Inc. requests to diminish a portion of the right from primary to supplemental irrigation. The portion of the right to become supplemental to Certificate 76715 is the portion of the right for the use of 0.13 cubic foot per second from a well for irrigation of 10.2 acres located as follows:

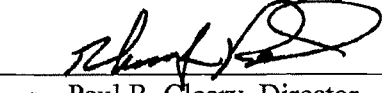
NE¼ NE¼ 2.9 ACRES
NW¼ NE¼ 7.3 ACRES
SECTION 13
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

THESE CHANGES TO AN EXISTING DISTRICT WATER RIGHT MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The proposed change shall be completed on or before October 1, 2003.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. Proof to the satisfaction of the Director that the changes approved by this order have been completed must be submitted by WESTLAND IRRIGATION DISTRICT on or before October 1, 2004.
4. Except as modified herein, all other conditions and restrictions of Certificates 76715 and 79439 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

6. A new certificate(s) will be issued confirming that portion of the lands for which proof was made under T-6833, NOT modified by this transfer. A new confirming right certificate will be issued when the Department receives satisfactory proof the changes are complete.
7. Certificates 58969, 76767 and 76768 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. New certificates confirming these water rights will be issued when the Department receives satisfactory proof the changes are complete.

WITNESS the signature of the Water Resources Director, affixed JUN 26 2002.



Paul R. Cleary, Director

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

In the Matter of the Completion of Changes)
of Place of Use Authorized by Final Orders) **CORRECTING ORDER**
Approving District Permanent Transfers)

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determining that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Westland Irrigation District
P.O. Box 944
Hermiston, OR 97838

Findings of Fact

1. The Department determined satisfactory proof of completion of the changes authorized by district permanent transfers T-8865, T-8992, T-9198, T-9311, T-9591 and T-9717 under Special Order Volume 67, page 538.
2. The Department issued a correcting and superseding order recorded in Special Order Volume 67, page 804, to correct scrivener's errors contained in Special Order Volume 67, page 538.
3. Finding of Fact #3 in Special Order Volume 67, page 804, failed to list one of the water rights for which the Department determined satisfactory proof of completion of the change authorized by T-8865. The order listed the following:

TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATE
4 N	28 E	34	NE SW	3400	0.50	58969
4 N	28 E	34	NW SE	3405	12.10	58969

The correct listing of water rights for which the Department determined satisfactory proof of completion of the change authorized by T-8865 is as follows:

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATES
4 N	28 E	34	NE SW	3400	0.50	76768, 58969
4 N	28 E	34	NW SE	3405	12.10	76768, 58969

4. Finding of Fact #4 in Special Order Volume 67, page 804, discussed the reconfigured place of use for Certificate 76051, but omitted reference to the reconfigured place of use for Certificates 76050 and 79439 under the claim of beneficial use and final proof map for T-9198. The correct description of the reconfigured place of use is as follows:

Change authorized by final order approving transfer:

USE	TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATE
IR	3 N	28 E	13	NE SE	4190	6.60	76050
IR	3 N	28 E	13	NW SE	4190	5.70	76050
IR	3 N	28 E	13	SW SE	4190	14.60	76050
IR	3 N	28 E	13	SE SW	4190	29.70	76050
TOTAL:						56.60	

USE	TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATE
IR	3 N	28 E	13	NE SE	4190	10.30	76051
IR	3 N	28 E	13	NW NE	4190	3.90	76051
TOTAL:						14.20	

USE	TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATE
IS	3 N	28 E	13	NE SE	4190	16.90	79439
IS	3 N	28 E	13	NW SE	4190	5.70	79439
IS	3 N	28 E	13	SW SE	4190	14.60	79439
IS	3 N	28 E	13	SE SW	4190	33.60	79439
TOTAL:						70.80	

Change described by claim of beneficial use and final proof map:

USE	TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATE
IR	3 N	28 E	13	NE SE	4190	16.00	76050
IR	3 N	28 E	13	NW SE	4190	7.40	76050
IR	3 N	28 E	13	SW SE	4190	15.60	76050
IR	3 N	28 E	13	SE SE	4190	17.60	76050
TOTAL:						56.60	

USE	TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATE
IR	3 N	28 E	13	SE SE	4190	14.20	76051


USE	TWP	RNG	SEC	¼ - ¼	TAX LOT	ACRES	CERTIFICATE
IS	3 N	28 E	13	NE SE	4190	16.00	79439
IS	3 N	28 E	13	NW SE	4190	7.40	79439
IS	3 N	28 E	13	SW SE	4190	15.60	79439
IS	3 N	28 E	13	SE SE	4190	31.80	79439
TOTAL:						70.80	

The reconfigured change in location of use as mapped is determined satisfactory because the completed use is contiguous and on adjacent land within the same tax lot and ownership.

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

This order corrects the order recorded at Special Order Volume 67, Page 804.

Dated at Salem, Oregon this 3rd day of December, 2006.


 P.C.W. Phillip C. Ward, Director

Mailing Date: _____ DEC 07 2006.

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

In the Matter of the Completion of Changes) SUPERSEDING AND CORRECTING
of Place of Use Authorized by Final Orders) ORDER
Approving District Permanent Transfers)

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determining that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Westland Irrigation District
P.O. Box 944
Hermiston, OR 97838

Findings of Fact

1. The Department reviewed claims of beneficial use and final proof maps submitted by the applicant for the following transfers:

T-8865 T-8992 T-9198 T-9311 T-9591 T-9717

2. With the exceptions of T-8865 and T-9198, satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order approving the transfers.
3. The claim of beneficial use and final proof map for T-8865 identifies the completed change differently from that authorized by the final order approving the transfer.

Change authorized by final order approving transfer:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
4 N	28 E	34	NE SW	3400	1.00	58969
4 N	28 E	34	NW SE	3405	11.60	58969

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

Change described by claim of beneficial use and final proof map:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
4 N	28 E	34	NE SW	3400	0.50	58969
4 N	28 E	34	NW SE	3405	12.10	58969

The reconfigured change in location of use as mapped is determined satisfactory because the completed use is contiguous and on adjacent land within the same ownership.

- The claim of beneficial use and final proof map for T-9198 reconfigures the place of use from that authorized by the final order approving the transfer.

Change authorized by final order approving transfer:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
3 N	28 E	13	NE SE	4190	10.30	76051
3 N	28 E	13	NW NE	4190	3.90	76051

Change described by claim of beneficial use and final proof map:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
3 N	28 E	13	SE SE	4190	14.20	76051

The reconfigured change in location of use as mapped is determined satisfactory because the completed use is contiguous and on adjacent land within the same tax lot and ownership.

- The order recorded at Special Order Volume 67, Page 538, contained a scrivener's error in Finding of Fact #1 and identified T-8892, as opposed to T-8992, as a transfer for which the Department had reviewed a claim of beneficial use and final proof map. This order corrects the error.

Conclusions of Law


Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a determination that the application of water to beneficial use under the terms of the final order approving a transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

- The Department has determined that the application of water to beneficial use under the terms of the final orders approving the transfers listed in *Finding of Fact #1* was completed to the extent authorized.
- Pursuant to OAR 690-385-7600(3), the Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

3. This order corrects and supersedes the order recorded at Special Order Volume 67, Page 538.

Dated at Salem, Oregon this 10th day of February, 2006.


For Phillip C. Ward, Director

Mailing Date: FEB 14 2006