

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

In the Matter of the Completion of a Change)
in Place of Use Under Transfer Application) DETERMINATION OF SATISFACTORY PROOF
T-12220, Umatilla County) OF COMPLETION FOR A 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

WEST EXTENSION IRRIGATION DISTRICT
P.O. BOX 100
IRRIGON, OR 97844

Findings of Fact

1. On March 2, 2016, the Department issued a final order, which was mailed on April 1, 2016, and recorded in Special Order Volume 98, Pages 1097-1105, approving Transfer Application T-12220 involving Certificates 79924, 79926, 79928, 79929, 87872 and 87799. The final order established October 1, 2017, as the date for completion of the authorized changes in place of use.
2. On June 18, 2018, the Department issued a correcting final order, which was mailed on June 19, 2018, and recorded in Special Order Volume 108, Pages 570-571. This order was issued

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.

to correct errors in the original order recorded in Special Order Volume 98, Pages 1097-1105.

3. On November 21, 2018, the Department issued remaining right Certificate 94120 to describe lands not modified by Transfer T-12808. Certificate 94120 superseded Certificate 87799, which was cancelled by Special Order Volume 109 Pages 1039-1042.
4. On March 25, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12220 satisfying 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-12220.
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 Certificates 79924 as approved the final order for Transfer Application T-12220, and as recorded in Special Order Volume 98, Pages 1097-1105, and corrected in Special Order Volume 108, Pages 570-571, is shown in Table 1, below:

Table 1:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User ¹	Notice
4 N	25 E	WM	13	SE SE	100	9.65	Chowning	2015-2
5 N	27 E	WM	30	SW NW	2200	0.80	Santana	2015-2
5 N	27 E	WM	30	SW NW	2300	0.80	Chavez	2015-2
5 N	27 E	WM	30	SW NW	2400	1.70	Peralta	2015-2
5 N	27 E	WM	30	SE NW	300	0.70	Thornton	2015-2
5 N	27 E	WM	30	SE NW	1400	1.30	Nelson	2015-2
5 N	27 E	WM	30	SE NW	1600	0.45	Peine	2015-2
Total:						15.40		

¹Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

8. The proposed place of use for Certificates 79926 as approved the final order for Transfer Application T-12220, and as recorded in Special Order Volume 98, Pages 1097-1105, is shown in Table 2, below:

Table 2:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
4 N	24 E	WM	14	NW SE	100	14.40	Krebs	2015-3
4 N	24 E	WM	14	SW SE	202	3.30	Krebs	2015-3
4 N	25 E	WM	13	SE SE	100	6.30	Chowning	2015-3
5 N	26 E	WM	26	SE SW	400	8.70	McNamee	2015-3
Total:						32.70		

¹Acres listed in **bold** are have been t from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

9. The proposed place of use for Certificates 79928 as approved the final order for Transfer Application T-12220, and as recorded in Special Order Volume 98, Pages 1097-1105, is shown in Table 3, below:

Table 3:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
4 N	25 E	WM	13	SE SE	100	3.80	Chowning	2015-4
4 N	25 E	WM	21	NW NW	300	0.30¹	Aylett	2015-4
4 N	25 E	WM	21	SW NW	300	5.30 ¹	Aylett	2015-4
Total:						9.40		

¹In the CBU, these 5.6 acres were reconfigured from being all within the SWNW quarter-quarter to being within both the SWNW and NWNW quarter-quarters.

10. The changes in place of use as documented in the CBU and associated maps, as shown in Table 3, above, are determined satisfactory because the reconfigured, completed uses are under the same water right holder, within the same tax lot, do not enlarge the rights and affect the same number of irrigated acres.

11. The proposed place of use for (only) Certificate 79929 as approved the final order for Transfer Application T-12220, and as recorded in Special Order Volume 98, Pages 1097-1105, and corrected in Special Order Volume 108, Pages 570-571, is shown in Table 4, below:

Table 4:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User ¹	Notice
4 N	25 E	WM	13	SE SE	100	6.55	Chowning	2015-2
5 N	27 E	WM	30	SW NW	2200	0.80	Santana	2015-2
5 N	27 E	WM	30	SW NW	2300	0.80	Chavez	2015-2
5 N	27 E	WM	30	SW NW	2400	1.70	Peralta	2015-2
5 N	27 E	WM	30	SE NW	300	0.70	Thornton	2015-2
5 N	27 E	WM	30	SE NW	1400	1.30	Nelson	2015-2
5 N	27 E	WM	30	SE NW	1600	0.45	Peine	2015-2
4 N	24 E	WM	14	NW SE	100	14.40	Krebs	2015-3
4 N	24 E	WM	14	SW SE	202	3.30	Krebs	2015-3
4 N	25 E	WM	13	SE SE	100	6.30	Chowning	2015-3
5 N	26 E	WM	26	SE SW	400	8.70	McNamee	2015-3
4 N	25 E	WM	13	SE SE	100	3.80	Chowning	2015-4
4 N	25 E	WM	21	NW NW	300	0.30²	Aylett	2015-4
4 N	25 E	WM	21	SW NW	300	5.30 ²	Aylett	2015-4
Total:						54.40		

¹Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

²In the CBU, these 5.6 acres were reconfigured from being all within the SWNW quarter-quarter to being within both the SWNW and NWNW quarter-quarters.

12. The changes in place of use as documented in the CBU and associated maps, as shown in Table 4, above, are determined satisfactory because the reconfigured, completed uses are under the same water right holder, within the same tax lot, do not enlarge the rights and affect the same number of irrigated acres.

13. The proposed place of use for Certificates 94120 as approved the final order for Transfer Application T-12220, and as recorded in Special Order Volume 98, Pages 1097-1105, is shown in Table 5, below.

Table 5:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
5 N	26 E	WM	23	SW SE	1900	0.50	Cobian	2015-1
5 N	26 E	WM	24	SW SW	900	0.60	Cole	2015-1
5 N	26 E	WM	25	NW NE	604	0.20	Power	2015-1
5 N	26 E	WM	25	NW NE	1400	2.00	Marler	2015-1
5 N	26 E	WM	25	SE NW	1601	2.00	Harris	2015-1
Total:						5.30		

14. The proposed place of use for (only) Certificate 87872 as approved the final order for Transfer Application T-12220, and as recorded in Special Order Volume 98, Pages 1097-1105, is shown in Table 6, below:

Table 6:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User ¹	DINN
4 N	24 E	WM	14	NW SE	100	14.40	Krebs	2015-3
4 N	24 E	WM	14	SW SE	202	3.30	Krebs	2015-3
4 N	25 E	WM	13	SE SE	100	6.30	Chowning	2015-3
4 N	25 E	WM	13	SE SE	100	9.65	Chowning	2015-2
5 N	26 E	WM	26	SE SW	400	8.70	McNamee	2015-3
5 N	27 E	WM	30	SW NW	2200	0.80	Santana	2015-2
5 N	27 E	WM	30	SW NW	2300	0.80	Chavez	2015-2
5 N	27 E	WM	30	SW NW	2400	1.70	Peralta	2015-2
5 N	27 E	WM	30	SE NW	300	0.70	Thornton	2015-2
5 N	27 E	WM	30	SE NW	1400	1.30	Nelson	2015-2
5 N	27 E	WM	30	SE NW	1600	0.45	Peine	2015-2
Total:						48.10		

¹ Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

15. 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-12220 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-12220 to the satisfaction of the Department.


4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12220 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 79924, 79926, 79928, 79929, 87872, and 94120, 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.

OCT 04 2019

Signed at Salem, Oregon on _____



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

Mailing Date: OCT 04 2019