

**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-12662, 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

WESTLAND IRRIGATION DISTRICT
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On February 26, 2018, the Department signed a final order, which was mailed on February 27, 2018, and recorded in Special Order Volume 107, Pages 721-729, approving Transfer Application T-12662 involving Certificates 76715, 76799, 79439, 76727, 76737, and 76752. The final order established October 1, 2019, as the date for completion of the authorized changes in place of use.
2. On October 15, 2018, the Department signed a superseding correcting final order which was mailed on October 16, 2018, and recorded in Special Order Volume 109, Pages 715-724.

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.

This superseding order was issued to correct an error in the order recorded in Special Order Volume 107, Pages 721-729.

3. On October 21, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12662 satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. This Determination of Satisfactory Proof of completion for a permanent district transfer pertains to Certificates 76715 and 76799, issued in the name of Westland Irrigation District; and to Certificate 79739 issued in the name of the U.S. Bureau of Reclamation. Confirming certificates will be issued for transfers initiated under Certificates 76727, 76737, and 76752.
5. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-12662.
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 76715 (primary irrigation) and 79439 (supplemental irrigation) as approved the final order for Transfer Application T-12662, and as recorded in Special Order Volume 109, Pages 715-724, is shown in Table 1, below:

Table 1:

PRIMARY AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot	Water User
3 N	28 E	WM	5	NE NE	1	4.4	400	ELH, LLC
3 N	28 E	WM	5	NW NE	2	21.8	200, 300, 400	ELH, LLC
3 N	28 E	WM	5	SW NE		40.0	400	ELH, LLC
3 N	28 E	WM	5	SE NE		14.4	400	ELH, LLC
3 N	28 E	WM	5	NE NW	3	36.4	200, 300,	ELH, LLC
3 N	28 E	WM	5	NW NW	4	39.3	300, 400	ELH, LLC
3 N	28 E	WM	5	SW NW		38.9	400	ELH, LLC
3 N	28 E	WM	5	SE NW		30.1	400	ELH, LLC
3 N	28 E	WM	5	NE SW		16.8	2304	ELH, LLC
3 N	28 E	WM	5	NW SW		32.2	2304	ELH, LLC
3 N	28 E	WM	5	SW SW		37.1	900	ELH, LLC
3 N	28 E	WM	5	SE SW		11.2	900	ELH, LLC
3 N	28 E	WM	5	NE SE		2.2	2304	ELH, LLC
3 N	28 E	WM	5	NW SE		8.5	2304	ELH, LLC
3 N	28 E	WM	6	NE NE	1	8.0	2400, 2401	ELH, LLC
3 N	28 E	WM	6	SE NE		6.7	2400, 2401	ELH, LLC
3 N	28 E	WM	6	NE SE		1.3	2304	ELH, LLC
3 N	28 E	WM	6	SE SE		1.3	2304	ELH, LLC
Total:						350.6		

8. The proposed place of use for Certificate 76799 as approved the final order for Transfer Application T-12662, and as recorded in Special Order Volume 109, Pages 715-724, is shown in Table 2, below:

Table 2:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot	Water User
3 N	28 E	WM	5	NE SW		7.2	2304	ELH, LLC
3 N	28 E	WM	5	SE SW		13.4	900	ELH, LLC
3 N	28 E	WM	5	NE SE		0.9	2304	ELH, LLC
3 N	28 E	WM	5	NW SE		24.0	2304	ELH, LLC
3 N	28 E	WM	5	SW SE		34.8	900	ELH, LLC
3 N	28 E	WM	6	NE NE	1	19.8	2401	ELH, LLC
3 N	28 E	WM	6	NW NE	2	35.0	2401	ELH, LLC
3 N	28 E	WM	6	SW NE		21.7	2401	ELH, LLC
3 N	28 E	WM	6	SE NE		10.5	2401	ELH, LLC
Total:						167.3		

9. 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-12662 was completed to the extent authorized in the transfer as described in Tables 1 and 2, 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 and 2, above.
3. The applicant has demonstrated proof of completion under T-12662 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12662 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 76715, 79439 and 76799 are modified as shown in Tables 1 and 2, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

NOV 25 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: _____