

**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-13885, 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

OWYHEE IRRIGATION DISTRICT
422 THUNDEREGG BLVD
NYSSA, OR 97913

Findings of Fact

1. On October 31, 2022, the Department signed a final order, which was mailed on November 2, 2022, and recorded in Special Order Volume 125, Pages 988-922, approving Transfer Application T-13885 involving Certificate 75691. The final order established October 1, 2024, as the date for completion of the authorized changes in place of use.
2. On September 25, 2023, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13885.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

3. On November 2, 2023, the Department received a revised Claim of Beneficial Use (CBU) and revised associated maps from the applicant for Transfer Application T-13885, thereby satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T- 13885.
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 75691 as approved the final order for Transfer Application T-13885, and as recorded in Special Order Volume 125, Pages 988-922 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	12	SW SE	2.60	2903	PRENTISS	21-60500
17 S	47 E	WM	7	NE SW	0.60	700	BEZATES	21-58401
17 S	47 E	WM	7	NE SW	2.50	700	BEZATES	21-58401
17 S	47 E	WM	7	NE SW	2.70	700	BEZATES	21-58401
17 S	47 E	WM	7	NW SE	0.60	700	BEZATES	21-58401
17 S	47 E	WM	8	NE SW	0.50	1000	TSCHIDA	21-17200
17 S	47 E	WM	18	SE SE	1.20	1300	FERRARIN	21-61100
20 S	46 E	WM	2	NE SW	1.80	1000	SCHULTHIES	21-28200
20 S	46 E	WM	22	SW NW	1.20	500	PETERSON FARMS	21-18500
21 S	46 E	WM	14	SW NW	1.80	700	SHENK	21-4802
21 S	46 E	WM	14	NW SW	1.50	500	SHENK	21-4802
Total:					17.00			

7. 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-13885 was completed to the extent authorized in the transfer as described in Table 1.

Conclusions of Law

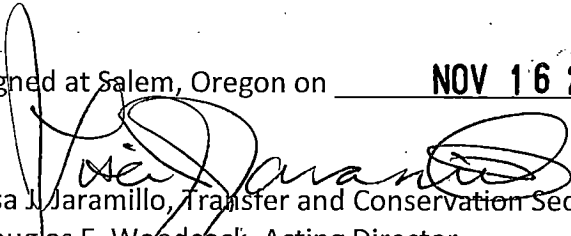
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 1, above.

3. The applicant has demonstrated proof of completion under T-13885 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-13885 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 75691 is modified as shown in Table 1, above. The Department will issue a superseding certificate describing this right when it determines it is necessary for record keeping.

Signed at Salem, Oregon on NOV 16 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: NOV 17 2023