

**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-11933, 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

VALE OREGON IRRIGATION DISTRICT
521 A ST WEST
VALE, OR 97918

Findings of Fact

1. On April 11, 2016, the Department signed a final order, which was mailed on April 14, 2016, and recorded in Special Order Volume 100, Pages 1112-1117, approving Transfer Application T-11933 involving Certificates 74080 and 74081. The final order established October 1, 2020, as the date for completion of the authorized changes in place of use.
2. On August 22, 2022, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11933.

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 October 24, 2023, the Department received correcting maps, and on November 6, 2023, correcting place of use tables, 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- 11933.
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 74080 for primary irrigation and 74081 for supplemental irrigation as approved the final order for Transfer Application T-11933, and as recorded in Special Order Volume 100, Pages 1112-1117 is shown in Table 1, below:

Table 1:

PRIMARY AND SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	G-Lot	Q-Q	Acres	Tax Lot
17 S	43 E	WM	1	3	NE NW	0.7	1900
17 S	43 E	WM	1	4	NW NW	1.0	2000
17 S	43 E	WM	1		SW NW	5.0	2100
17 S	43 E	WM	1		SE NW	6.6	2100
17 S	43 E	WM	2	1	NE NE	1.6	3100
17 S	43 E	WM	2		SE NE	1.3	3000
17 S	43 E	WM	2		SE NW	0.2	3400
17 S	43 E	WM	2		NE SW	1.1	3400
17 S	43 E	WM	12		NW NE	3.0	4600
17 S	43 E	WM	12		SW NE	7.0	4600
17 S	44 E	WM	21		SE NW	2.3	8300
17 S	44 E	WM	21		NE SW	2.2	8300
17 S	44 E	WM	21		NW SW	17.4	8400
17 S	44 E	WM	21		SW SW	0.2	8400
17 S	44 E	WM	21		SE SW	0.2	8400
17 S	44 E	WM	24		NE NW	5.3	11000
17 S	44 E	WM	24		SW NW	1.3	10900
17 S	44 E	WM	24		NW NW	1.0	11000
17 S	44 E	WM	24		NW SW	5.2	10900
17 S	44 E	WM	24		SW SW	1.5	10700
17 S	44 E	WM	24		SE SW	2.3	10700
17 S	44 E	WM	25		NW NW	1.7	12100
17 S	44 E	WM	25		SW NW	3.1	12100
17 S	44 E	WM	25		NW SW	6.1	1200
17 S	44 E	WM	26		SE NE	3.1	12100
17 S	44 E	WM	26		NE SE	3.5	1200
17 S	44 E	WM	26		SW SE	9.4	15900

PRIMARY AND SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	G-Lot	Q-Q	Acres	Tax Lot
17 S	44 E	WM	35		NE NE	0.9	15900
17 S	44 E	WM	35		NW NE	0.9	15900
Total:						95.1	

7. Based on information in the CBU and on the final proof maps, beneficial use under T-11933 has been demonstrated for the place of use for Certificate 74080 for primary irrigation and 74081 for supplemental irrigation as shown in Table 2, below:

Table 2:

PRIMARY AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	G-Lot	Q-Q	Acres	Tax Lot	Water User ¹
17 S	43 E	WM	1	3	NE NW	0.2 ¹	1900	Lower Snake River Properties
17 S	43 E	WM	1	4	NW NW	1.0	2000	Lower Snake River Properties
17 S	43 E	WM	1		SW NW	5.0	2100	Lower Snake River Properties
17 S	43 E	WM	1		SE NW	7.1 ¹	2100	Lower Snake River Properties
17 S	43 E	WM	2	1	NE NE	1.6	3100	Lower Snake River Properties
17 S	43 E	WM	2		SE NE	1.3	3000	Lower Snake River Properties
17 S	43 E	WM	2		SE NW	0.2	3400	Lower Snake River Properties
17 S	43 E	WM	2		NE SW	1.1	3400	Lower Snake River Properties
17 S	43 E	WM	12		NW NE	3.0	4600	Lower Snake River Properties
17 S	43 E	WM	12		SW NE	7.0	4600	Lower Snake River Properties
17 S	44 E	WM	21		SE NW	2.3	8300	Lower Snake River Properties
17 S	44 E	WM	21		NE SW	2.2	8300	Lower Snake River Properties
17 S	44 E	WM	21		NW SW	17.4	8400	Lower Snake River Properties
17 S	44 E	WM	21		SW SW	0.2	8400	Lower Snake River Properties
17 S	44 E	WM	21		SE SW	0.2	8400	Lower Snake River Properties
17 S	44 E	WM	24		NE NW	5.3	11000	Lower Snake River Properties
17 S	44 E	WM	24		SW NW	1.3	10900	Lower Snake River Properties
17 S	44 E	WM	24		NW NW	1.0	11000	Lower Snake River Properties
17 S	44 E	WM	24		NW SW	5.2	10900	Lower Snake River Properties
17 S	44 E	WM	24		SW SW	1.5	10700	Lower Snake River Properties
17 S	44 E	WM	24		SE SW	2.3	10700	Lower Snake River Properties
17 S	44 E	WM	25		NW NW	1.7	12100	Lower Snake River Properties
17 S	44 E	WM	25		SW NW	3.1	12100	Lower Snake River Properties
17 S	44 E	WM	25		NW SW	6.1	1200	Lower Snake River Properties
17 S	44 E	WM	26		SE NE	3.1	12100	Lower Snake River Properties
17 S	44 E	WM	26		NE SE	3.5	1200	Lower Snake River Properties
17 S	44 E	WM	26		SW SE	9.4	15900	Lower Snake River Properties
17 S	44 E	WM	35		NE NE	0.9	15900	Lower Snake River Properties
17 S	44 E	WM	35		NW NE	0.9	15900	Lower Snake River Properties
TOTAL						95.1		

¹0.5 acres was approved in the transfer order in the NENW but should have been approved in the SENW. The location of the 0.5 acres is the same in both the transfer application map and the CBU map. Thus, the total acres in the NENW is 0.5 acre less and in the SENW, 0.5 acres more than what is listed in the transfer order.

8. 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-11933 was completed to the extent authorized in the transfer as described in Table 2, above.

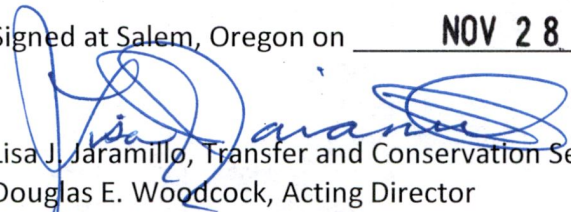
Conclusions of Law

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 Table 2, above.
3. The applicant has demonstrated proof of completion under T-11933 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11933 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 74080 and 74081 are modified as shown in Table 2, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on NOV 28 2023.


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

Mailing Date: NOV 29 2023