

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

In the Matter of the Completion of a Change)	
in Use Under Transfer Application T-12818)	DETERMINATION OF SATISFACTORY
for Certificates 72279, 72281, and 90177,)	PROOF OF COMPLETION FOR A
Jefferson County)	PERMANENT TRANSFER FOR A DISTRICT

Authority

Oregon Administrative Rule (OAR) 690-380-6030 describes the documentation that must be filed with the Department in order to provide proof of use.

OAR 690-380-6040 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) authorizes 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 transfer for an irrigation district.

Order Issued To:

NORTH UNIT IRRIGATION DISTRICT
2024 NW BEECH STREET
MADRAS, OR 97741

Applicant:

NORTON LAND COMPANY
PO BOX 728
MADRAS, OR 97741

Findings of Fact

1. On June 21, 2018, the Department signed a final order, which was mailed on June 22, 2018, and recorded in Special Order Volume 108, Pages 681-690, approving Transfer Application T-12818 involving Certificates 72279, 72281, and 90177, all in the name of NUID, and Certificate 75751 in the name of Maple Lake Livestock Co., Inc and Northwest Farm Credit Services, ACA. The final order established October 1, 2019, as the date for completion of the authorized changes in place of use.

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.

2. On May 29, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12818 satisfying the requirements for providing proof of use under OAR 690-380-6030 for Certificates 72279, 72281, and 90177.
3. This Determination of Satisfactory Proof of completion for a permanent district transfer pertains to Certificates 72279, 72281, and 90177, issued in the name of North Unit Irrigation District. A confirming certificate will be issued for the transfer initiated under Certificate 75751 when satisfactory proof has been determined for that portion of T-12818.
4. The Department reviewed the CBU and maps pertaining to Certificates 72279, 72281, and 90177 submitted by the applicant for Transfer Application T-12818.
5. The place of use for Certificate 72279 (primary irrigation) and Certificate 72281 (supplemental Irrigation) as approved in the final order for Transfer Application T-12818, and as recorded in Special Order Volume 108, Pages 681-690, is shown in Table 1, below:

TABLE 1:

IRRIGATION (C. 72279) and SUPPLEMENTAL IRRIGATION (C.72281)						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
11 S	14 E	WM	28	SW NW	30.1	1800
11 S	14 E	WM	28	NW SW	30.9	
11 S	14 E	WM	28	SW SW	8.3	
11 S	14 E	WM	29	SW NE	30.0	
11 S	14 E	WM	29	SE NE	31.1	
11 S	14 E	WM	29	SW NW	0.1	
11 S	14 E	WM	29	SE NW	31.6	
11 S	14 E	WM	29	NE SW	32.8	
11 S	14 E	WM	29	NE SE	32.6	
11 S	14 E	WM	29	NW SE	30.3	
11 S	14 E	WM	31	SE NE	1.4	100
11 S	14 E	WM	32	NE NE	1.2	1800
11 S	14 E	WM	32	SW NW	5.5	
11 S	14 E	WM	33	NW NW	29.5	
TOTAL					295.4	

6. The place of use for Certificate 90177 as approved in the final order for Transfer Application T-12818, and as recorded in Special Order Volume 108, Pages 681-690 is shown in Table 2, below:

TABLE 2:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot
11 S	14 E	WM	28	SW SW	1.9	1800
11 S	14 E	WM	29	NW NW	9.3	1900

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot
11 S	14 E	WM	29	NE SW	2.9	1800
11 S	14 E	WM	29	NW SW	1.1	
11 S	14 E	WM	29	SW SW	27.8	
11 S	14 E	WM	29	SE SW	38.5	
11 S	14 E	WM	29	SW SE	26.5	1800
11 S	14 E	WM	29	SE SE	33.9	
11 S	14 E	WM	31	NE NE	0.1	100
11 S	14 E	WM	31	SE NE	10.0	100
11 S	14 E	WM	32	NE NE	35.3	1800
11 S	14 E	WM	32	NW NE	31.4	
11 S	14 E	WM	32	SW NE	28.7	
11 S	14 E	WM	32	NE NW	37.0	
11 S	14 E	WM	32	NW NW	26.1	
11 S	14 E	WM	32	SW NW	22.1	
11 S	14 E	WM	32	SE NW	37.2	
11 S	14 E	WM	32	NW SE	30.5	
11 S	14 E	WM	33	NW NW	2.0	
TOTAL					402.3	

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-12818 for Certificates 72279, 72281, and 90177 was completed to the extent authorized in the transfer as described in Tables 1 and 2.

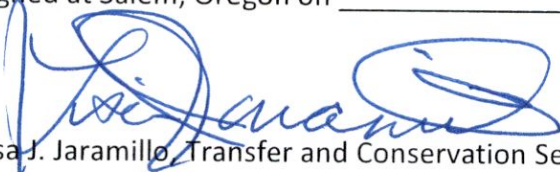
Conclusions of Law

1. The Applicant has submitted proof of use pursuant to OAR 690-380-6030 for Certificates 72279, 72281, and 90177.
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-12818 for Certificates 72279, 72281, and 90177 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-12818 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 72279, 72281, and 90177 are modified as shown in Tables 1 and 2, above. The Department will issue a superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on SEP 15 2020



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

Mailing Date: SEP 16 2020