

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-11328, Washington 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

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

Findings of Fact

1. On April 12, 2012, the Department signed a final order, which was mailed on April 13, 2012, and recorded in Special Order Volume 87, Pages 281-286, approving Transfer Application T-11328 involving Certificates 76715, 79439, 82441 and 87152. The final order established October 1, 2013, as the date for completion of the authorized changes in place of use.
2. On April 2, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11328 satisfying the requirements for providing proof of use under OAR 690-385-7400.

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.

3. On April 23, 2020, the Department received clarification to the Claim of Beneficial Use site report and an amended map.
4. This Determination of Satisfactory Proof of completion for a permanent district transfer pertains to Certificate 76715, issued in the name of Westland Irrigation District, and to Certificate 79439 issued in the name of the U.S. Bureau of Reclamation. Confirming certificates will be issued for transfers initiated under Certificates 82441 and 87152.
5. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11328.
6. The transfer involved the transfer of places of use on Certificates 76715 and 79439 and did not involve a changes in the points of diversion. Therefore, the existing maps on file with the Department are sufficient to identify the points of diversions from the source.
7. The proposed place of use for primary irrigation under Certificate 76715 and supplemental irrigation under Certificate 79439 as approved the final order for Transfer Application T-11328, and as recorded in Special Order Volume 87, Pages 281-286 is shown in Table 1, below:

Table 1:

PRIMARY AND SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	29 E	WM	18	NW NW	14.0	5300	DOUBLE M RANCH
3 N	29 E	WM	18	SW NW	1.7	5300	DOUBLE M RANCH
Total:					15.7		

8. Based on information in the CBU and on the final proof maps, beneficial use under T-11328 has been demonstrated for the place of use for Certificates 76715 and 79439 as shown in Table 2, below:

Table 2:

PRIMARY AND SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	29 E	WM	18	NW NW	13.7	5300	DOUBLE M RANCH
3 N	29 E	WM	18	SW NW	2.0	5300	DOUBLE M RANCH
Total:					15.7		

9. The reconfigured changes in place of use as documented in the CBU and associated maps are determined satisfactory because the reconfigured, completed uses are under the same water right holders, do not enlarge the rights and affect the same number of irrigated acres.
10. 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-11328 was completed to the extent authorized in the transfer as described in Table 2.

Conclusions of Law

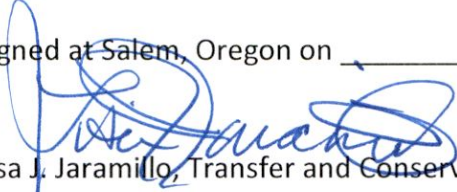
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 2, above.
3. The applicant has demonstrated proof of completion under T-11328 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11328 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

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

MAY 28 2020

Signed at Salem, Oregon on _____


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

Mailing Date: MAY 29 2020