

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

In the Matter of the Completion of a Change)	FINAL ORDER CORRECTING A
of Place of Use Authorized by the Final)	DETERMINATION OF SATISFACTORY PROOF
Order Approving District Permanent)	FOR TRANSFER T-11712
Transfer T-11712, Malheur County)	

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
17 SOUTH FIRST STREET
NYSSA, OR 97913

Findings of Fact

1. On March 25, 2014, the Department signed a final order, which was mailed on April 4, 2014, and recorded at Special Order Volume 91, Pages 1026-1028, approving Transfer Application T-11712.
2. On October 23, 2015, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11712 satisfying the requirements for proof of use under OAR 690-385-7400.

This is a final order in other than a 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 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 15, 2016, the Department signed a final order for Determination of Satisfactory Proof under transfer T-11712, which was mailed on November 21, 2016. It is recorded at Special Order Volume 103, Pages 422-423.
4. On November 19, 2018, the Department signed a correcting final order, which was mailed on November 20, 2018. The correcting final order is recorded in Special Order Volume 109, Pages 973-974. This order corrected portions of the Final Order recorded at Special Order Volume 91, Pages 1026-1028 referenced in Finding of Fact #1, above. This correcting order was necessary to eliminate 4.1 acres of land from Transfer T-11712 because they were not authorized for transfer under the Certificate 75691, the only certificate involved in the transfer.
5. The final order for Determination of Satisfactory Proof under transfer T-11712 recorded at Special Order Volume 103, Pages 422-423 included confirmation of beneficial use of water at the following location on Certificate 75691:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
19S	46E	WM	14	SW NE	4.10	500	Kesler	13-37101

6. Based on the facts of Finding of Fact #4, above, the 4.1 acres described above in Finding of Fact #5, above, were eliminated from the proposed place of use in Transfer T-11712, and therefore may not be included in a determination of satisfactory proof under T-11712.

Now, therefore, it is ORDERED:

1. The Determination of Satisfactory Proof under transfer T-11712 recorded at Special Order Volume 103, Pages 422-423 is corrected to NOT CONFIRM beneficial use of water for the 4.1 acres described in Finding of Fact #5, above.
2. All other provisions of the Determination of Satisfactory Proof remain unchanged.

Dated at Salem, Oregon on JAN 29 2019



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: JAN 30 2019