

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-12816, Jefferson 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

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

Findings of Fact

1. On May 2, 2018, the Department signed a final order, which was mailed on May 3, 2018, and recorded in Special Order Volume 108, Pages 45-50, approving Transfer Application T-12816 involving Certificates 72279, 72281 and 90177. The final order established October 1, 2019, as the date for completion of the authorized changes in place of use.
2. On September 12, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12816 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. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-12816.
4. 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.
5. The proposed place of use for Certificate 72279 as approved the final order for Transfer Application T-12816, and as recorded in Special Order Volume 108, Pages 45-50 is shown in Table 1, below:

Table 1:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glott	Acres ¹	Tax Lot	Water User	Notice
10 S	13 E	WM	26	NW NE		0.5	400	GALYEN	17-15
10 S	13 E	WM	26	SW NE		0.9	400	GALYEN	17-15
10 S	14 E	WM	28	SW NE		0.8	400	CROCKER	17-05
10 S	14 E	WM	31	SW NW	2	0.5	400	OLIVAS	17-14
10 S	14 E	WM	33	SW NE		27.2	200	BAGGETT	17-06
10 S	14 E	WM	33	SE NW		14.2	200	BAGGETT	17-06
11 S	13 E	WM	25	NW SW		1.9	305	KOOLHAAS TRUST	17-10
12 S	13 E	WM	3	SW NW		0.2	401	KOOLHAAS	17-07
12 S	13 E	WM	11	NE SW		1.4	500	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	11	SW SE		0.3	500	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	14	NW NE		0.4	200	BACKSEN FAMILY TRUST	17-04-B
12 S	13 E	WM	14	SE NW		0.2	200	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	15	SW SW		0.1	1100	BACKSEN ENTERPRISES	17-04-C
12 S	13 E	WM	29	NW SE		2.0	1200	HOSTETLER	17-02
Total:						50.6			

¹ Beneficial use of water was made on the same number of acres listed in bold as authorized in the order, but the configuration of the place of use is slightly different.

6. The proposed place of use for Certificate 72281 as approved the final order for Transfer Application T-12816, and as recorded in Special Order Volume 108, Pages 45-50 is shown in Table 2, below:

Table 2:

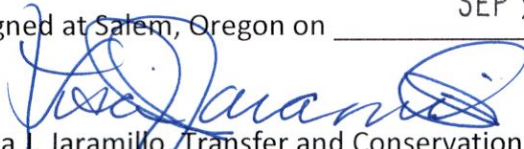
SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glott	Acres ¹	Tax Lot	Water User	Notice
10 S	13 E	WM	26	NW NE		0.5	400	GALYEN	17-15
10 S	13 E	WM	26	SW NE		0.9	400	GALYEN	17-15
10 S	14 E	WM	28	SW NE		0.8	400	CROCKER	17-05
10 S	14 E	WM	31	SW NW	2	0.5	400	OLIVAS	17-14
10 S	14 E	WM	33	SW NE		27.2	200	BAGGETT	17-06
10 S	14 E	WM	33	SE NW		14.2	200	BAGGETT	17-06
11 S	13 E	WM	25	NW SW		1.9	305	KOOLHAAS TRUST	17-10

4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12816 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, 2 and 3, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on SEP 22 2020.


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

Mailing Date: SEP 23 2020

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glod	Acres ¹	Tax Lot	Water User	Notice
12 S	13 E	WM	3	SW NW		0.2	401	KOOLHAAS	17-07
12 S	13 E	WM	11	NE SW		1.4	500	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	11	SW SE		0.3	500	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	14	NW NE		0.4	200	BACKSEN FAMILY TRUST	17-04-B
12 S	13 E	WM	14	SE NW		0.2	200	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	15	SW SW		0.1	1100	BACKSEN ENTERPRISES	17-04-C
12 S	13 E	WM	29	NW SE		2.0	1200	HOSTETLER	17-02
Total:						50.6			

¹ Beneficial use of water was made on the same number of acres listed in bold as authorized in the order, but the configuration of the place of use is slightly different.

- Portions of the transfer for Certificates 72279 and 72281 were developed differently than authorized in the final order. Any such changes as identified in the CBU and associated maps are shown in **BOLD** in Tables 1 and 2, above. The reconfigured change in place of use as documented in the CBU and associated maps is determined satisfactory because the reconfigured, completed use is under the same water right holder, does not enlarge the rights and affects the same number of irrigated acres.
- The proposed place of use for Certificate 90177 as approved the final order for Transfer Application T-12816, and as recorded in Special Order Volume 108, Pages 45-50 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
11 S	13 E	WM	25	SW NW	2.3	305	KOOLHAAS TRUST	17-09
11 S	13 E	WM	25	NW SW	0.6	305	KOOLHAAS TRUST	17-08
11 S	13 E	WM	25	NW SW	1.8	305	KOOLHAAS TRUST	17-09
Total:					4.7			

- 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-12816 was completed to the extent authorized in the transfer as described in Tables 1, 2 and 3.

Conclusions of Law

- The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
- 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, 2, and 3, above.
- The applicant has demonstrated proof of completion under T-12816 to the satisfaction of the Department.