

**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-11682, Hood River 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

EAST FORK IRRIGATION DISTRICT
PO BOX 162
ODELL, OR 97044

Findings of Fact

1. On March 20, 2014, the Department signed a final order, which was mailed on April 3, 2014, and recorded in Special Order Volume 91, Pages 1007-1011, approving Transfer Application T-11682 involving Certificates 81340, 80929, and 84803. The final order established October 1, 2015, as the date for completion of the authorized changes in place of use.
2. Certificate 81340 was cancelled with the issuance of remaining-confirming- reduced in rate water right Certificate 92000 on October 21, 2016. Certain lands involved in Transfer T-11682 were listed as inchoate at the time Certificate 92000 was issued. This determination of satisfactory proof for completion of T-11682 confirms the place of use change on Certificate 92000.

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 November 29, 2016, the Department signed a final order, which was mailed on November 29, 2016, and recorded in Special Order Volume 103, Pages 483-484, extending the completion date for the place of use change to October 1, 2017.
4. On October 2, 2017, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11682.
5. September 25, 2018, the Department received corrections to a place of use table and three maps, thereby satisfying the requirements for proof of use under OAR 690-385-7400.
6. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11682.
7. 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.
8. The proposed place of use for Certificate 92000 (then Certificate 81340) as approved the final order for Transfer Application T-11682, and as recorded in Special Order Volume 98, Pages 1014-1024 is shown in Table 1, below:

Table 1:

Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres	User Name	Notice #
1 N	10 E	WM	03	SW NE	7	600	1.00	Holcomb ¹	2013-06
2 N	10 E	WM	12	NW SE		400	1.20	Paasch	2013-02
2 N	10 E	WM	14	SW NE		403	0.20	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	SE NW		1400	1.10	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NE SW		1902	0.10	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NE SW		1903	0.70	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NW SE		400	0.60	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	24	SE NW		2500	0.30	Roy Webster Orchards, Inc.	2013-03
2 N	11 E	WM	6	NW SE		101	1.00	Delcambre ¹	2013-01
2 N	11 E	WM	6	SW SE		104	0.40	Knight ¹	2013-01
2 N	11 E	WM	6	SW SE		106	0.20	B.B.K. Holdings, LLC	2013-01
2 N	11 E	WM	30	NW NW		1200	0.70	Lariza	2013-0
2 N	11 E	WM	30	SW NW		1200	0.30	Lariza	2013-0
3 N	11 E	WM	31	SE SW		1900	0.60	Kroeger	2013-04
Total							8.40		

¹ These are different from the water users that were listed in the transfer final order. The user names have been updated here to reflect the change as shown in the CBU.

9. The proposed place of use for Certificate 80929 as approved the final order for Transfer Application T-11682, and as recorded in Special Order Volume 98, Pages 1014-1024 is shown in Table 2, below:

Table 2:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User Name	Notice #
2 N	10 E	WM	14	NE SW	1902	0.20	Roy Webster Orchards, Inc.	2013-03

10. The proposed place of use for Certificate 84803 as approved the final order for Transfer Application T-11682, and as recorded in Special Order Volume 98, Pages 1014-1024 is shown in Table 3, below:

Table 3:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User Name	Notice #
3 N	11 E	WM	31	SW SE	2300	2.00	Kroeger	2013-04

11. 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-11682 was completed to the extent authorized in the transfer as described in Tables 1, 2, and 3, above.

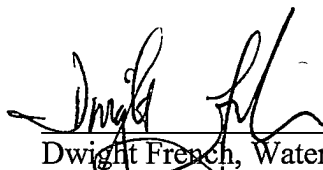
Conclusions of Law

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 Tables 1, 2, and 3, above.
3. The applicant has demonstrated proof of completion under T-11682 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11682 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 92000, 80929, and 84803 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 OCT 03 2018



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing date: OCT 04 2018