

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

IN THE MATTER OF A LOSS OF RIGHT DUE TO)
FAILURE TO APPLY WATER TO BENEFICIAL USE)
UNDER THE TERMS OF AN ORDER APPROVING) FINAL ORDER
T-7885, UNION COUNTY)

Authority

Oregon Administrative Rule 690-380-6010(2) provides that any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for a change in use or place of use, or within any extension of time allowed for completion, is lost.

Applicant

WILSON CATTLE CO., INC.	NORTHWEST FARM CREDIT SERVICES, FLCA
P.O. BOX 129	3370 10TH ST., STE B
NORTH POWDER, OR 97867	BAKER CITY, OR 97814

Findings of Fact

1. On December 11, 1997, WILSON CATTLE COMPANY, C/O TOM PIERCE filed an application for an additional point of diversion, to change the points of diversion, and to change the place of use under Certificate 75629, and to change the point of diversion and place of use under Certificate 83537. The Department assigned the application number T-7885.
2. On January 24, 2017, the Department approved an assignment of transfer application from Wilson Cattle Co. to Northwest Farm Credit Services, FLCA and Wilson Family Ranches, LLC.
3. On November 6, 2008, Transfer Application T-7885 was approved and the order is recorded in Special Order Volume 76, Page 681. Certificates 75629 and 83537 were cancelled and the rights are considered inchoate.

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 183.484. 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.

4. The final order set a date of OCTOBER 1, 2010, for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2011.
5. On November 23, 2020, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on Transfer T-7885 is not received. The Department requested a response by December 24, 2020.
6. On November 30, 2020, the Department received the signed certified mailing card, but the Department did not received any further response to the incomplete transfer.
7. As of April 16, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department.
8. A description of the inchoate rights that are lost are as follows:

Certificate: 75629 in the name of Wilson Cattle Co. Inc. (confirmed by North Powder River, 1916 decree)

Use: IRRIGATION of 84.0 ACRES FOR TRACT 1 AND 193.0 ACRES FOR TRACT 2

Priority Date: 1874 FOR TRACT 1 AND 1887 FOR TRACT 2

Rate/Duty: 2.10 CUBIC FEET PER SECOND (CFS) FOR TRACT 1 AND 4.83 CFS FOR TRACT 2 FROM MARCH 1ST TO JULY 1ST AND 1.05 CFS FOR TRACT 1 AND 2.42 CFS FOR TRACT 2 FROM JULY 1 TO OCTOBER 1 OF EACH YEAR; THE TOTAL QUANTITY DIVERTED DURING EACH IRRIGATION SEASON NOT TO EXCEED 210.0 ACRE FEET FOR TRACT 1 AND 483.0 ACRE FEET FOR TRACT 2.

Source: NORTH POWDER RIVER, tributary to the POWDER RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	38 E	WM	35	SW NE	TRACT 1; DAVIS DALTON DITCH
6 S	38 E	WM	35	SW NE	TRACT 2; DAVIS KELSEY (WILSON) DITCH

Authorized Place of Use:

IRRIGATION - TRACT 1 (1874)					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	35	SE NE	17.5
6 S	38 E	WM	35	NE SE	33.5
6 S	38 E	WM	36	NW SW	21.5
6 S	38 E	WM	36	SW SW	11.5
Total:					84.0

Certificate: 83537 in the name of Wilson Cattle Co. Inc. (confirmed by North Powder River, 1916 decree)

Use: IRRIGATION of 30.0 ACRES

Priority Date: 1887

Rate 0.75 CUBIC FOOT PER SECOND (CFS) FROM MARCH 1ST TO JULY 1ST AND 0.38 CFS FROM JULY 1ST TO OCTOBER 1ST OF EACH YEAR; THE TOTAL QUANTITY DIVERTED DURING EACH IRRIGATION SEASON NOT TO EXCEED 75.0 ACRE FEET IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: DAVIS-KELSEY DITCH – SW¼ NE¼, SECTION 35, T 6 S, R 38 E, W.M.

Source: NORTH POWDER RIVER, tributary to the POWDER RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	38 E	WM	27	NW SW	2220 FEET NORTH AND 690 FEET EAST FROM THE SW CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	35	NE NE	30.0

Conclusions of Law

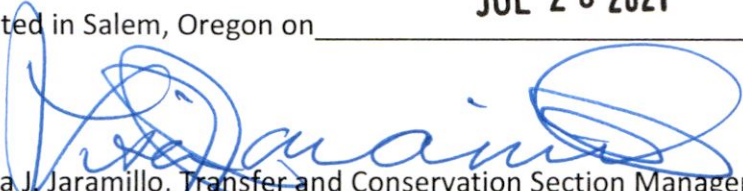
The loss of right described above is consistent with the requirements of OAR 690-380-6010(2).

Now, therefore, it is ORDERED:

1. The inchoate rights under Transfer Application T-7885 are lost, and are of no further force or effect.

JUL 20 2021

Dated in Salem, Oregon on _____


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

Mailing date: **JUL 21 2021**