

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

In the Matter of Transfer Application        )  
T-6783, Umatilla County                    )  
  )  
  )       FINAL ORDER CORRECTING A  
  )       SCRIVENER’S ERRORS IN PLACE OF  
  )       USE AND CANCELLED CERTIFICATE  
  )       NUMBER

**Applicant**

J. R. SIMPLOT CO.  
Attn: VIC CONRAD  
PO BOX 27  
BOISE, ID 83707-0027

**Findings of Fact**

***Background***

1. On June 8, 2009, the Department issued an order approving changes in place of use and points of diversion associated with Transfer Application T-6783. This order is recorded at Special Order Volume 78, Pages 48 - 65.
2. Page 17 of 18 of the Final Order recorded at Special Order Volume 78, Pages 48 – 65, listed several water right certificates to be canceled as follows:

**Now, therefore it is ORDERED:**

1. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 52677, 52678, 52679, 52680, 68760, 68761, 68762, 68763 and 72649 and any related decree.
2. Certificates 52677, 52678, 52679, 52680, 68760, 68761, 68762, 68763 and 72649 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

- A scrivener's error in the first two conditions on Page 17 of 18 of the Final Order recorded at Special Order Volume 78, Pages 48 – 65, misidentified one of the water right certificates affected by the transfer. The misidentified water right certificate was number 72649. The correct certificate number is 76249.
- The Final Order recorded at Special Order Volume 78, Pages 48 – 65, Finding of Fact #11, describes the proposed place of use for the rights affected by the transfer. The listing included erroneous acres for certificates 52678 and 52679 in the NW NW, T4N, R28E, Section 34. The Final Order described the proposed place of use as follows:

Primary (IR) and Supplemental (IS)								
Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68760(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	27	SW SW	2.3	2.3	2.3	2.3
4 N	28 E	WM	27	SE SW	8.9	3.6	3.6	8.9
4 N	28 E	WM	34	NE NW	0.3	0.3	0.3	0.1
4 N	28 E	WM	34	NW NW	18.2	12.9	12.9	18.2
<b>TOTALS:</b>					<b>29.7</b>	<b>24.4</b>	<b>24.4</b>	<b>29.5</b>

- The correct acreage description of the proposed place of use for certificates 52678 and 52679 in the NW NW, T4N, R28E, Section 34 is as follows:

Primary (IR) and Supplemental (IS)								
Twp	Rng	Mer	Sec	Q - Q	Acreage			
					C#68760(IR)	C#52678(IS)	C#52679(IS)	C#76249(IS)
4 N	28 E	WM	27	SW SW	2.3	2.3	2.3	2.3
4 N	28 E	WM	27	SE SW	8.9	3.6	3.6	8.9
4 N	28 E	WM	34	NE NW	0.3	0.3	0.3	0.1
4 N	28 E	WM	34	NW NW	18.2	18.2	18.2	18.2
<b>TOTALS:</b>					<b>29.7</b>	<b>24.4</b>	<b>24.4</b>	<b>29.5</b>

Now, therefore, it is **ORDERED**:

- The Final Order approving transfer application T-6783, recorded at Special Order Volume 78, pages 48 – 65, is corrected to include Certificate 76249, not Certificate 72649, as described in Finding of Fact #3.
- The Final Order approving transfer application T-6783, recorded at Special Order Volume 78, pages 48 – 65, is corrected to describe the proposed place of use as listed in Finding of Fact #5.
- All other provisions of the Final Order approving transfer application T-6783, recorded at Special Order Volume 78, pages 48 – 65, remain unchanged.

Dated at Salem, Oregon this 6<sup>th</sup> day of August, 2009.

  
Phillip C. Ward, Director

Mailing Date: AUG 14 2009