

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

In the Matter of the Completion of a)
Change of Place of Use Authorized by the)
Final Orders Approving District Permanent)
Transfers)

DETERMINATION OF
SATISFACTORY PROOF

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

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

Findings of Fact

1. The Department reviewed claims of beneficial use and final proof maps submitted by the applicant for the following district permanent transfers:

T-7826	T-7896	T-8128	T-8383	T-8646
T-8999	T-9312	T-9624	T-9846	

2. The claims of beneficial use did not contain maps of the points of diversion from the source. However, since these changes are for place of use only within an irrigation district, and do not involve changes in point of diversion, the existing maps on file with the Department are sufficient to identify the authorized points of diversion from the source.

T-8128

3. The order approving T-8128 contained several minor scrivener errors that: 1) incorrectly described the proposed place of use under the Public Land Survey System (PLSS), and 2) did not reflect the location of the water rights as depicted by the application maps. The Claim of Beneficial Use for T-8128 identified the scrivener errors and the district submitted final proof maps corresponding to the proposed place of use shown on the application maps. For the purpose of determining satisfactory proof of completion of the changes as

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.

authorized, the Department finds the final proof maps correctly locate the water rights. The correct description of the place of use by PLSS is as follows:

T-8128 PLSS scrivener errors:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificates 72279 (IR) and 72281 (IS)								
12 S	12 E	WM	13	NE NE	101	0.20	M RANCHES, INC	98-07
12 S	12 E	WM	13	NW NE	101	1.20	MACY	98-06
12 S	13 E	WM	16	SW NE	600	0.60	HUSTON	97-05
Certificate 72283 (IR)								
12 S	12 E	WM	13	NE NE	101	0.60	M RANCHES, INC	98-03

(IR) means irrigation use

(IS) means supplemental irrigation use

The correct PLSS description corresponding to application and final proof maps:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificates 72279 (IR) and 72281 (IS)								
12 S	12 E	WM	13	SW NE	101	0.20	M RANCHES, INC	98-07
12 S	12 E	WM	13	NW NE	100	1.20	MACY	98-06
12 S	13 E	WM	16	SW SE	600	0.60	HUSTON	97-05
Certificate 72283 (IR)								
12 S	12 E	WM	13	SW NE	101	0.60	M RANCHES, INC	98-03

4. The Claim of Beneficial Use for T-8128 reconfigures the proposed place of use under District Notices (NOT #) 97-07(2) and 97-08 from that authorized by the final order approving the transfer and the application maps.

Change authorized by final order approving the transfer:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72283 (IR)								
12 S	13 E	WM	14	NW NE	100	0.60	BISSELL	97-07(2)
12 S	13 E	WM	14	NW NE	100	1.30	BISSELL	97-08

Claim of Beneficial Use and Final Proof Map:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72283 (IR)								
12 S	13 E	WM	14	NE NE	100	0.60	BISSELL	97-07(2)
12 S	13 E	WM	14	NE NE	100	1.30	BISSELL	97-08

The reconfiguration of the place of use from one quarter-quarter to another alters the number of acres of water right located by legal subdivision.. However, the affected number of acres of water right authorized for transfer was not enlarged; and the place of use for the completed change is: contiguous to the place of use authorized, located in the same tax lot

and under the same ownership. Thus, the reconfigured change in place of use as completed and mapped is determined satisfactory.

T-8383

5. The order approving T-8383 inadvertently contained a scrivener error approving a change in place of use of supplemental irrigation under Certificate 72281. The order described the water rights subject to transfer as follows:

AUTHORIZED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72279 (IR) and Certificate 72281 (IS)								
10 S	13 E	WM	35	SW SW	100	14.20	CITY OF MADRAS / JEFFERSON COUNTY	98-11
10 S	13 E	WM	35	NW SE	101	14.00	O'MEARA	99-02

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72279 (IR) and Certificate 72281 (IS)								
11 S	14 E	WM	6	SE SW	1400	14.20	JEFFERSON COUNTY	98-11
10 S	13 E	WM	24	NW NE	200	14.00*	SIEGENHAGEN FAMILY TRST	99-02*

* A total of 31.50 acres was transferred onto TL 200 in the NW NE under NOT # 99-02

However, Certificate 72281 describes less acres of supplemental irrigation subject to transfer at the authorized place of use. The correct listing of water rights subject to transfer is as follows.

AUTHORIZED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72279 (IR)								
10 S	13 E	WM	35	SW SW	100	14.20	CITY OF MADRAS / JEFFERSON COUNTY	98-11
10 S	13 E	WM	35	NW SE	101	14.00	O'MEARA	99-02
Certificate 72281 (IS)								
10 S	13 E	WM	35	SW SW	100	4.20	CITY OF MADRAS / JEFFERSON COUNTY	98-11
10 S	13 E	WM	35	NW SE	101	10.00	O'MEARA	99-02

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72279 (IR)								
10 S	13 E	WM	24	NW NE	200	14.00*	SIEGENHAGEN FAMILY TRUST	99-02*
11 S	14 E	WM	6	SE SW	1400	14.20	JEFFERSON COUNTY	98-11
Certificate 72281 (IS)								
10 S	13 E	WM	24	NW NE	200	10.00*	SIEGENHAGEN FAMILY TRUST	99-02*
11 S	14 E	WM	6	SE SW	1400	4.20	JEFFERSON COUNTY	98-11

* A total of 31.50 acres under Certificate 72279 and 27.50 acres under Certificate 72281 were transferred onto TL 200 in the NW NE under NOT # 99-02

The district submitted final proof maps that correspond to the correct listing of the proposed place of use, and the change in place of use as completed and mapped is determined satisfactory.

T-8646

- The Claim of Beneficial Use for T-8646 reconfigures the proposed place of use under District Notice (NOT #) 00-05 from that authorized by the final order approving the transfer and the application maps.

Change authorized by final order approving the transfer:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72279 (IR) and Certificate 72281 (IS)								
10 S	14 E	WM	16	SW SW	101	1.80	MATHENY	00-05

The reconfiguration of the place of use does not alter the number of acres of water right located by legal subdivision.. The affected number of acres of water right authorized for transfer was not enlarged; and the place of use for the completed change is: contiguous to the place of use authorized, located in the same tax lot and under the same ownership. Thus, the reconfigured change in place of use as completed and mapped is determined satisfactory.

T-9624

- The Claim of Beneficial Use for T-9624 reconfigures the proposed place of use under District Notices (NOT #) 03-02 and 03-03 from that authorized by the final order approving the transfer and the application maps.

Change authorized by final order approving the transfer:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72283 (IR)								
10 S	13 E	WM	12	NE NE	100	3.40	HEMENWAY	03-02
10 S	13 E	WM	12	SE NE	100	0.90	HEMENWAY	03-02
10 S	14 E	WM	7	NW NW	201	1.10	HEMENWAY	03-02

PROPOSED PLACE OF USE									
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #	
Certificate 72283 (IR)									
10 S	14 E	WM	7	SW NW	201	7.30	HEMENWAY	03-02/-03	
10 S	14 E	WM	7	NW SW	201	14.80	HEMENWAY	03-02/-03	

Claim of Beneficial Use and Final Proof Map:

PROPOSED PLACE OF USE									
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #	
Certificate 72283 (IR)									
10 S	13 E	WM	12	NE NE	100	4.00	HEMENWAY	03-02	
10 S	13 E	WM	12	SE NE	100	0.40	HEMENWAY	03-02	
10 S	14 E	WM	7	NW NW	201	0.80	HEMENWAY	03-02	
10 S	14 E	WM	7	SW NW	201	7.50	HEMENWAY	03-02/-03	
10 S	14 E	WM	7	NW SW	201	14.80	HEMENWAY	03-02/-03	

The reconfiguration of the place of use from one quarter-quarter to another alters the number of acres of water right located by legal subdivision.. However, the affected number of acres of water right authorized for transfer was not enlarged; and the place of use for the completed change is: contiguous to the place of use authorized, located in the same tax lot and under the same ownership. Thus, the reconfigured change in place of use as completed and mapped is determined satisfactory.

8. The order approving T-9624 contained a scrivener error that: 1) incorrectly described the proposed place of use under the Public Land Survey System (PLSS), and 2) did not reflect the location of the water rights as depicted by the application maps. For the purpose of determining satisfactory proof of completion of the change as authorized, the Department finds the final proof maps correctly locates the water rights. The correct description of the place of use by PLSS is as follows:

T-9624 PLSS scrivener error:

PROPOSED PLACE OF USE									
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #	
Certificates 72279 (IR) and 72281 (IS)									
12 S	13 E	WM	9	SW SE	1400	1.30	GUINEY	03-09	

The correct PLSS description corresponding to application and final proof maps:

PROPOSED PLACE OF USE									
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #	
Certificates 72279 (IR) and 72281 (IS)									
12 S	13 E	WM	9	SE SW	1400	1.30	GUINEY	03-09	

T-9846

9. The order approving T-9846 contained a scrivener error that: 1) incorrectly described the proposed place of use under the Public Land Survey System (PLSS), and 2) did not reflect the location of the water rights as depicted by the application maps. For the purpose of

determining satisfactory proof of completion of the change as authorized, the Department finds the final proof maps correctly locates the water rights. The correct description of the place of use by PLSS is as follows:

T-9846 PLSS scrivener error:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificates 72279 (IR) and 72281 (IS)								
12 S	13 E	WM	21	NE SW	200	2.20	COLEMAN RANCH	04-01

The correct PLSS description corresponding to application and final proof maps:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificates 72279 (IR) and 72281 (IS)								
12 S	13 E	WM	21	NE NW	200	2.20	COLEMAN RANCH	04-01

- The Claim of Beneficial Use for T-9846 reconfigures the proposed place of use under District Notice (NOT #) 04-08 from that authorized by the final order approving the transfer and the application maps.

Change authorized by final order approving the transfer:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
Certificate 72279 (IR) and Certificate 72281 (IS)								
12 S	13 E	WM	23	SW NW	201	5.60	ZOOK TRUST	04-08

The reconfiguration of the place of use does not alter the number of acres of water right located by legal subdivision.. The affected number of acres of water right authorized for transfer was not enlarged; and the place of use for the completed change is: contiguous to the place of use authorized, located in the same tax lot and under the same ownership. Thus, the reconfigured change in place of use as completed and mapped is determined satisfactory.

- Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final orders approving T-7826, T-7896, T-8999 and T-9312.

Conclusions of Law


Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a termination that the application of water to beneficial use under the terms of the final order approving a permanent district transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

- The Department has determined that the application of water to beneficial use under the terms of the final orders approving district permanent transfers T-7826, T-7896, T-8128, T-8383, T-8646, T-8999, T-9312, T-9624 and T-9846 was completed to the extent authorized.

2. Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 13th day of November, 2008.


Phillip C. Ward, Director

Mailing Date: NOV 17 2008