

**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
T-12253, Umatilla County) COMPLETION FOR A 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

HERMISTON IRRIGATION DISTRICT
366 E. HURLBURT AVE.
HERMISTON, OR 97838

Findings of Fact

1. On October 9, 2017, the Department signed a correcting final order, which was mailed on October 13, 2017, and recorded in Special Order Volume 105, Pages 945-947, approving Transfer Application T-12253 involving Certificate 89006. The final order established October 1, 2017, as the date for completion of the authorized changes in place of use.
2. On February 8, 2018, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12253 satisfying the requirements of 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 map(s) submitted by the applicant for Transfer Application T-12253.
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 as approved the final order for Transfer Application T-12253, and as recorded in Special Order Volume 101, Pages 629-632 is shown in Table 1, below:

Table 1:

PRIMARY AND SUPPLEMENTAL IRRIGATION										
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	AF/Acre	Acres	Water User	Notice
9/6/1905	4 N	29 E	WM	5	NE NW	301	6.0	1.42	Simmons	2015-01
9/6/1905	5 N	28 E	WM	28	NW NE	600	6.0	2.00	Parkins	2015-02
Total								3.42		

6. 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-12253 was completed to the extent authorized in the transfer as described in Table 1, above.

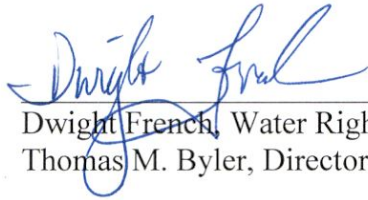
Conclusions of Law

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 Table 1, above.
3. The applicant has demonstrated proof of completion under T-12253 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12253 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificate 89006 is modified as shown in Table 1, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on FEB 14 2018



Dwight French, Water Right Services Administrator, *for*
Thomas M. Byler, Director

Mailing date: FEB 15 2018