

This is a final 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 either 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.

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

)  
In the Matter of Issuance of a )  
Certificate for Permit G-10836, ) ORDER  
in the Name of County Line )  
Water Improvement District )  
)

**Findings of Fact**

1. A certificate is being issued to the County Line Water Improvement District to describe the use found under Permit G-10836.
2. Provisions of Permit G-10836 required the complete application of water under the terms of the permit be complete by October 1, 2001.
3. ORS 540.510 requires that an applicant for a change in use or place of use of a primary water right indicate if the land also has a supplemental right or permit. If so, the supplemental permit must also be transferred with the primary right, or be cancelled.
4. Transfer T-8901 was approved August 11, 2004. The date for complete application of water, as extended, is October 1, 2006.
5. Transfer T-9159 was approved July 30, 2003. The date for the complete application of water was October 1, 2004.
6. Transfer T-9275 was approved November 24, 2004. The date for the complete application of water is October 1, 2005.

7. Portions of the lands described under Permit G-10836 are supplemental to the rights transferred under Transfers T-8901, T-9159, and T-9275.
8. Approval of the changes in places of use allowed under Transfers T-8901, T-9159, and T-9275 also approved changes in places of use for those portions of Permit G-10836.
9. Claims of Beneficial Use have not been received for Transfers T-8901, T-9159, and T-9275.
10. Those portions of Permit G-10836 involved in Transfers T-8901, T-9159, and T-9275 are not included in the certificate being issued because the changes allowed by the transfers have either not been completed, or proof of the changes has not yet been received. Those portions are described as follows:

<u>T-9159</u>		<u>T-8901</u>	
POU & APOA		POU	
11.6 ACRES	0.14 CFS	9.0 ACRES	0.11 CFS
NE¼ NE¼ 0.7 ACRE		SE¼ SE¼ 9.0 ACRES	
NW¼ NE¼ 0.4 ACRE		SECTION 19	
SW¼ NE¼ 0.6 ACRE			
SE¼ NE¼ 5.2 ACRE		<u>T-9275</u>	
NE¼ NW¼ 0.1 ACRE		POU & APOA	
SE¼ NW¼ 0.1 ACRE		12.7 ACRES	0.15 CFS
SW¼ NW¼ 4.5 ACRES			
SECTION 4		SE¼ NE¼ 5.0 ACRES	
TOWNSHIP 3 NORTH,		SE¼ SW¼ 7.7 ACRES	
RANGE 27 EAST, W.M.		SECTION 27	
		TOWNSHIP 4 NORTH,	
		RANGE 27 EAST, W.M.	

11. After the Claims of Beneficial Use are received, the Department shall review the Claims of Beneficial Use to determine the extent of development and issue a certificate describing the portion of the right perfected Permit G-10836 modified by Transfers T-8901, T-9159, and T-9275.

#### Conclusions of Law

1. Pursuant to ORS 540.510, the Department is required to transfer those portions of permits supplemental to primary rights being transferred if requested by the applicant.

2. Pursuant to ORS 537.250(1) and ORS 537.250(2), the Department shall issue a certificate which may include lands not described in the permit.

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

Upon receipt of the Claims of Beneficial for Transfers T-8901, T-9159, and T-9275, the Department shall review the Claims of Beneficial Use to determine the extent of development and issue a certificate describing the portion of the right perfected under Permit G-10836 modified by Transfers T-8901, T-9159, and T-9275.

Dated at Salem, Oregon this 15 day of December, 2006.

  
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Phillip C. Ward, Director

Mailing Date: Dec. 15, 2006