

**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 A
T-13588, Malheur County) 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

OWYHEE IRRIGATION DISTRICT
422 THUNDEREGG BLVD
NYSSA, OR 97913

Findings of Fact

1. On August 4, 2021, the Department signed a final order, which was mailed on August 6, 2021, and recorded in Special Order Volume 121, Pages 348-354, approving Transfer Application T-13588 involving Certificates 75668, 75691, and 75668. The final order established October 1, 2022, as the date for completion of the authorized changes in place of use.
2. On October 24, 2022, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13588.

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. On March 23, 2023, the Department received a correcting table listing the legal description of the authorized places of use being confirmed in T-13588, and a correcting map. On March 27, 2023, and the Department received a correcting site report, and on April 7, 2023, a final correcting map, thereby satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T- 13588.
5. 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.
6. The proposed place of use for Certificate 75668 as approved the final order for Transfer Application T-13588, and as recorded in Special Order Volume 121, Pages 348-354 is shown in Table 1, below:

Table 1:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
15 S	47 E	WM	31	SE SE	0.10	1200	PANIKE	20-112000

7. The proposed place of use for Certificate 75691 as approved the final order for Transfer Application T-13588, and as recorded in Special Order Volume 121, Pages 348-354 is shown in Table 2, below:

Table 2:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	47 E	WM	16	NW SW	1.80	1100	MCBRIDE	20-75201
16 S	47 E	WM	16	SW SW	0.80	1200	MCBRIDE	20-75201
16 S	47 E	WM	16	SE SW	0.70	1200	MCBRIDE	20-75201
17 S	47 E	WM	5	SW SW	8.00	900	KOEHN	20-73000
17 S	47 E	WM	18	NE NW	0.90	300	BOCHENEK	20-64300
17 S	47 E	WM	18	NW NW	0.30	400	CHARTER	20-66000
17 S	47 E	WM	18	SW NW	0.30	400	CHARTER	20-66000
17 S	47 E	WM	21	SE NW	1.70	101	COOPER	20-59400
20 S	45 E	WM	35	SE SE	2.10	2800	HATFIELD	20-17300
20 S	46 E	WM	21	NE NW	0.54	200	CLARK	20-4101
20 S	46 E	WM	21	SE NW	0.98	200	CLARK	20-4101
21 S	46 E	WM	5	SE SW	1.40	700	CRUICKSHANK	20-4101
21 S	46 E	WM	8	NW NW	9.70	700	CRUICKSHANK	20-4101
Total:					29.22			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
15 S	47 E	WM	31	SE SE	0.10	1200	PANIKE	20-112000

8. The proposed place of use for Certificate 75688 as approved the final order for Transfer Application T-13588, and as recorded in Special Order Volume 121, Pages 348-354 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
15 S	47 E	WM	31	SE SE	0.10	1200	PANIKE	20-112000

9. 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-13588 was completed to the extent authorized in the transfer as described in Tables 1, 2, and 3.

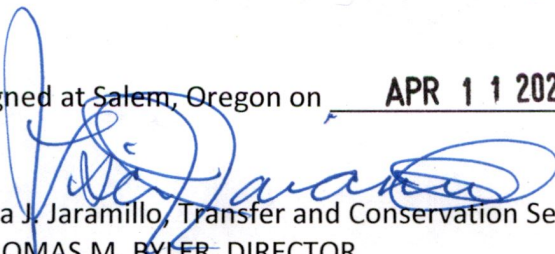
Conclusions of Law

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 Tables 1, 2, and 3, above.
3. The applicant has demonstrated proof of completion under T-13588 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-13588 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 75668, 75691, and 75668 are modified as shown in Tables 1, 2, and 3, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on APR 11 2023


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

Mailing Date: APR 12 2023