

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

In the Matter of the Completion of a)
 Change of Point of Diversion Authorized) DETERMINATION OF
 by the Final Order Approving Allocation of) SATISFACTORY PROOF
 Conserved Water CW-45, Umatilla County)

Applicant

Bill and Eileen Leibbrand
 84262 Hwy 339
 Milton-Freewater, OR 97862

Findings of Fact

1. On May 4, 2007, the Department issued a final order on Allocation of Conserved Water Application CW-45. The order is recorded in Special Order Volume 71, Pages 636 – 646. The order established October 1, 2008, as the date for completion of the authorized changes in point of diversion.
2. On October 5, 2009, the Department received a Claim of Beneficial Use (CBU) for CW-45.
3. The Department reviewed the Claim of Beneficial Use (CBU) and final proof map submitted by the applicant for Allocation of Conserved Water Application CW-45.
4. This CBU documented use on six different water rights. The table below lists the certificates involved in the CBU for CW-45:

44116	44131	39602	12611	12528	13144
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5. Confirming, superseding certificates for Certificates 44116 and 44131 were issued on May 4, 2007. Certificate 44116 was superseded by Certificate 83359 and Certificate 44131 was superseded by Certificate 83358.
6. The CBU identified that the applicants proved up on less acres and a quantity of water less than authorized in the final order, as described in the table below:

Maximum Rate allowed by Final Order	System Capacity	Developed cubic foot per second (cfs)	Total Number of Acres allowed by Final Order	Total Number of Acres Developed
0.666 cfs	0.470 cfs	0.470	26.62	25.92

7. As a result of the reduced quantities cited in the table above the distribution of the remaining quantity of water is proportioned as delineated below:

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 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.

Certificate involved in CW-45	CFS	Acres
44116 (superseded by 83359)	0.150	6.00
44131 (superseded by 83358)	0.029	1.16
39602	0.044	2.76
12611	0.016	1.00
12528	0.096	6.00
13144	0.144	9.00

8. The order approving CW-45 authorized 9.7 acres of irrigation under Certificate 13144. The CBU documented only 9.0 acres of irrigation and described the 0.7 acre difference as a result of excluding non-irrigable areas.
9. Certificates 39602, 12611, 12528 and 13144 are included in a petitioned by Walla Walla River Irrigation District to re-map the water rights within the district.
10. 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 order approving CW-45.

Conclusions of Law

The Claim of Beneficial Use for Allocation of Conserved Water Application CW-45 demonstrates that application of water to beneficial use under the terms of the final order approving Allocation of Conserved Water Application CW-45 was completed as authorized.

Now, therefore, it is ORDERED:

1. This order is issued to confirm the changes approved by Special Order Volume 71, Pages 636-646 approving Allocation of Conserved Water Application CW-45.
2. The Department shall issue certificates upon completion of the Walla Walla River Irrigation District petition to remap water right within the district under ORS 541.329.

Dated at Salem, Oregon this 1 day of April, 2013.



 Dwight French, Water Right Services Administrator for
 PHILIP C. WARD, DIRECTOR

Mailing Date: May 31 2013