

**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-12413, 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**

WESTLAND IRRIGATION DISTRICT  
P.O. BOX 944  
HERMISTON, OR 97838

**Findings of Fact**

1. On August 8, 2016, the Department signed a final order, which was mailed on August 17, 2016, and recorded in Special Order Volume 101, Pages 629-632, approving Transfer Application T-12413 involving Certificates 76715 and 79439. The final order established October 1, 2016, as the date for completion of the authorized changes in place of use.
2. On February 12, 2018, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12413. On February 28, 2018, the district submitted additional information to complete 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-12413.
4. The final order recorded as Special Order Volume 101, Pages 629-632 contained a scrivener's error in completion date. The order stated that, "[t]he approved changes shall be competed and full beneficial use shall be made on or before October 1, 2016." The final order was approved on August 17, 2016. The corrected completion date is October 1, 2017, which is consistent with Oregon Administrative Rule 690-385-7000(1). This rule states that the time for a district to complete a transfer as authorized by a final order shall be one full year from the approval date plus an additional time until the next October 1.
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 as approved the final order for Transfer Application T-12413, and as recorded in Special Order Volume 101, Pages 629-632 is shown in Table 1, below:

**Table 1:**

PRIMARY and SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	13	NW SE	32	4190	1.50	Double M Ranch, Inc.
3 N	28 E	WM	13	NW SE	32	4190	1.50	Double M Ranch, Inc.
<b>Total:</b>							3.00	

7. 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-12413 (as corrected by Finding of Fact #4, above) was completed to the extent authorized in the transfer as described in Table 1, above.

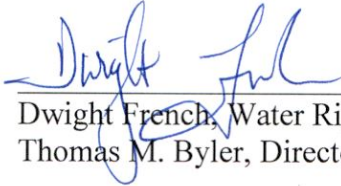
### Conclusions of Law

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-12413 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12413 consistent with this determination of satisfactory proof of completion.

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

1. Water right Certificates 76715 and 79439 are 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 MAR 05 2018



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

Mailing date: MAR 06 2018