

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

In the Matter of the Completion of Changes) SUPERSEDING AND CORRECTING
of Place of Use Authorized by Final Orders) ORDER
Approving District Permanent Transfers)

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determining that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Westland Irrigation District
P.O. Box 944
Hermiston, OR 97838

Findings of Fact

1. The Department reviewed claims of beneficial use and final proof maps submitted by the applicant for the following transfers:

T-8865
T-8992
T-9198
T-9311
T-9591
T-9717
2. With the exceptions of T-8865 and T-9198, 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 the transfers.
3. The claim of beneficial use and final proof map for T-8865 identifies the completed change differently from that authorized by the final order approving the transfer.

Change authorized by final order approving transfer:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
4 N	28 E	34	NE SW	3400	1.00	58969
4 N	28 E	34	NW SE	3405	11.60	58969

This is a final order in other than 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.

Change described by claim of beneficial use and final proof map:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
4 N	28 E	34	NE SW	3400	0.50	58969
4 N	28 E	34	NW SE	3405	12.10	58969

The reconfigured change in location of use as mapped is determined satisfactory because the completed use is contiguous and on adjacent land within the same ownership.

- The claim of beneficial use and final proof map for T-9198 reconfigures the place of use from that authorized by the final order approving the transfer.

Change authorized by final order approving transfer:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
3 N	28 E	13	NE SE	4190	10.30	76051
3 N	28 E	13	NW NE	4190	3.90	76051

Change described by claim of beneficial use and final proof map:

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	CERTIFICATE
3 N	28 E	13	SE SE	4190	14.20	76051

The reconfigured change in location of use as mapped is determined satisfactory because the completed use is contiguous and on adjacent land within the same tax lot and ownership.

- The order recorded at Special Order Volume 67, Page 538, contained a scrivener's error in Finding of Fact #1 and identified T-8892, as opposed to T-8992, as a transfer for which the Department had reviewed a claim of beneficial use and final proof map. This order corrects the error.

Conclusions of Law


Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a determination that the application of water to beneficial use under the terms of the final order approving a transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

- The Department has determined that the application of water to beneficial use under the terms of the final orders approving the transfers listed in *Finding of Fact #1* was completed to the extent authorized.
- Pursuant to OAR 690-385-7600(3), the Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

3. This order corrects and supersedes the order recorded at Special Order Volume 67, Page 538.

Dated at Salem, Oregon this 10th day of February, 2006.


~~For~~ Phillip C. Ward, Director

Mailing Date: FEB 14 2006