

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

In the Matter of the Completion of a Change )  
in Place of Use Under Transfer Application )  
T-10504, Wasco County )     **DETERMINATION OF SATISFACTORY  
PROOF OF COMPLETION FOR A  
PERMANENT TRANSFER FOR A DISTRICT**

**Authority**

Oregon Administrative Rule (OAR) 690-380-6030 describes the documentation that must be filed with the Department in order to provide proof of use.

OAR 690-380-6040 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) authorizes 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 transfer for an irrigation district.

**Order Issued To:**

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY  
82529 HWY 216  
MAUPIN, OR 97037

**Findings of Fact**

1. On February 10, 2009, the Department signed a final order, which was mailed on February 24, 2009, and recorded in Special Order Volume 77, Pages 234-237, approving Transfer Application T-10504 involving Certificates 77326 and 77733. The final order established October 1, 2010, as the date for completion of the authorized change in place of use.

**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.

2. On December 26, 2018 the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10504 satisfying the requirements for providing proof of use under OAR 690-380-6030 for 77326 and 77733.
3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10504.
4. The proposed place of use for Certificate 77326 as approved in the final order for Transfer Application T-10504, and as recorded in Special Order Volume 77, Pages 234-237 is shown in Table 1, below:

**Table 1:**

PRIMARY IRRIGATION & STOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	12 E	WM	25	SW NW	6.0

5. The proposed place of use for Certificate 77333 as approved in the final order for Transfer Application T-10504, and as recorded in Special Order Volume 77, Pages 234-237 is shown in Table 2, below:

**Table 2:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	12 E	WM	25	SW NW	6.0

6. 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 final order approving the changes for T-10504 was completed to the extent authorized in the transfer as described in Table 1 and Table 2.

### **Conclusions of Law**

1. The Applicant has submitted proof of use pursuant to OAR 690-380-6030.
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 and 2, above.
3. The applicant has demonstrated proof of completion under T-10504 to the satisfaction of the Department.

4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-10504 consistent with this determination of satisfactory proof of completion.

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

1. Water right Certificates 77326 and 77733 are modified as shown in Table 1 and Table 2, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Dated in Salem, Oregon on AUG 19 2019



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: AUG 19 2019