

**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-) DETERMINATION OF SATISFACTORY PROOF
12695, Umatilla County) OF 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 September 12, 2017, the Department signed a final order, which was mailed on September 20, 2017 and recorded in Special Order Volume 105, Pages 780-783, approving Transfer Application T-12695 involving Certificates 76717 and 79439. The final order established October 1, 2018, as the date for completion of the authorized changes in place of use.
2. On July 9, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12695 satisfying the requirements for providing 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.

- The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-12695.
- The proposed place of use as approved the final order for Transfer Application T-12695, and as recorded in Special Order Volume 105, Pages 780-783, for Certificate 76717 is shown in Table 1, below:

Table 1:

IRRIGATION & STOCK WATER								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
4 N	28 E	WM	17	SE NW	2.0	1900	ROYER	N/A

- The proposed place of use as approved the final order for Transfer Application T-12695, and as recorded in Special Order Volume 105, Pages 780-783, for Certificate 79439 is shown in Table 2, below:

Table 2:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
4 N	28 E	WM	17	SE NW	2.0	1900	ROYER	N/A

- 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-12695 was completed to the extent authorized in the transfer as described in Tables 1 and 2, above.

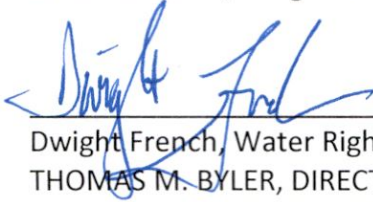
Conclusions of Law

- The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
- 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.
- The applicant has demonstrated proof of completion under T-12695 to the satisfaction of the Department.
- The Department is authorized to issue or modify certificates of water rights involved in transfer T-12695 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 76717 and 79439 are modified as shown in Tables 1 and 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 15 2019



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: AUG 16 2019