

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 T- ) PROOF OF COMPLETION FOR A  
12553, Malheur County ) 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

OWHYHEE IRRIGATION DISTRICT  
17 SOUTH FIRST ST  
NYSSA, OR 97913

Findings of Fact

1. On September 28, 2017, the Department signed a final order, which was mailed on October 3, 2017, and recorded in Special Order Volume 105, Pages 862-870, approving Transfer Application T-12553 involving Certificates 75691, 75712, and 75688. The final order established October 1, 2019, as the date for completion of the authorized changes 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 10, 2018, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12553.
3. On December 11, 2018, the Department notified the District of deficiencies in the CBU and maps.
4. On December 17, 2018, the Department received corrected and completed tables and maps, thereby satisfying the requirements for providing proof of use under OAR 690-385-7400.
5. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T- 12553.
6. 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.
7. The proposed place of use for Certificate 75691 as approved the final order for Transfer Application T-12553, and as recorded in Special Order Volume 105, Pages 862-870 is shown in Table 1, below:

Table 1:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	46 E	WM	13	SW NE	7.90	3300	FRY FOODS INC	16-67500
17 S	46 E	WM	13	SE NW	35.40	3300	FRY FOODS INC	16-67500
17 S	46 E	WM	13	NE SW	22.30	3300	FRY FOODS INC	16-67500
17 S	46 E	WM	13	NW SE	2.60	3300	FRY FOODS INC	16-67500
17 S	47 E	WM	5	NE SE	2.54	700	4 D J FARMS	16-73500
17 S	47 E	WM	5	NW SE	1.08	700	4 D J FARMS	16-73500
17 S	47 E	WM	17	NE SW	2.93	2500	PHILLIPS	16-61600
17 S	47 E	WM	17	SE SW	3.16	2500	PHILLIPS	16-61600
17 S	47 E	WM	19	NE SE	4.40	600	BENCH	16-60600
17 S	47 E	WM	20	NW NE	8.42	2500	PHILLIPS	16-61600
17 S	47 E	WM	20	NE NW	1.49	2500	PHILLIPS	16-61600
18 S	45 E	WM	9	SW NW	1.40	1000	BELNAP	16-57500
18 S	45 E	WM	9	NW SW	5.20	1000	BELNAP	16-57500
18 S	45 E	WM	9	SW SW	6.90	1000	BELNAP	16-57500
18 S	45 E	WM	12	NW SW	3.90	2000	ENSZ	16-56200
18 S	45 E	WM	16	SW NE	2.39	700	JANTZ	16-52800
18 S	45 E	WM	16	NE NW	4.97	700	JANTZ	16-52800
18 S	45 E	WM	16	SE NW	1.17	700	JANTZ	16-52800
18 S	46 E	WM	27	SW SW	0.53	700	BISHOP	16-46401
18 S	46 E	WM	28	NW NE	0.84	100	CORRIGALL	16-46300
18 S	46 E	WM	28	SW NE	0.91	400	CORRIGALL	16-46300

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
18 S	46 E	WM	28	SE NE	1.00	500	CORRIGALL	16-46300
19 S	46 E	WM	14	NE NE	4.26	100	POTTER	16-37100
20 S	45 E	WM	9	NE SE	2.40	300	SAURET	16-23900
20 S	45 E	WM	10	NW SW	5.00	700	SAURET	16-23900
20 S	45 E	WM	10	SW SW	0.60	800	SAURET	16-23900
20 S	45 E	WM	10	SE SW	3.70	700	SAURET	16-23900
20 S	45 E	WM	13	NE SW	3.20	700	MAY	16-21600
20 S	45 E	WM	13	NW SW	7.97	700	MAY	16-21600
20 S	45 E	WM	13	SW SW	1.86	800	WILSON	16-20800
20 S	45 E	WM	13	SE SW	2.87	700	MAY	16-21600
20 S	45 E	WM	24	SW SW	2.65	800	BERRETT	16-26500
20 S	45 E	WM	35	NE SE	7.50	2800	HATFIELD	16-17300
20 S	45 E	WM	35	SW SE	3.80	2800	HATFIELD	16-17300
20 S	45 E	WM	35	SE SE	2.40	2800	HATFIELD	16-17300
20 S	46 E	WM	5	SW SW	1.53	800	GREEN SPRUCE LLC	16-23000
20 S	46 E	WM	8	NW NW	0.63	300	GREEN SPRUCE LLC	16-23000
20 S	46 E	WM	8	SW NW	1.17	300	GREEN SPRUCE LLC	16-23000
20 S	46 E	WM	8	SE NW	2.32	300	GREEN SPRUCE LLC	16-23000
20 S	46 E	WM	9	NE NW	0.30	200	DRYDALE	16-34100
21 S	45 E	WM	14	SW NE	1.50	1700	MORTON	16-11500
21 S	46 E	WM	4	SW SE	2.57	1600	JONES	16-8900
Total:					179.66			

8. The proposed place of use for Certificate 75712 as approved the final order for Transfer Application T-12553, and as recorded in Special Order Volume 105, Pages 862-870 is shown in Table 2, below:

Table 2:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	47 E	WM	2	NE SW	0.79	2000	SEBASTO	16-121700
17 S	47 E	WM	3	NE SE	1.20	700	PREECE	16-121800
17 S	47 E	WM	3	SW SE	2.10	700	PREECE	16-121800
17 S	47 E	WM	3	SW SE	1.93	2100	WELLER	16-122100
Total:					6.02			

9. The proposed place of use for Certificate 75688 as approved the final order for Transfer Application T-12553, and as recorded in Special Order Volume 105, Pages 862-870 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	47 E	WM	2	NE SW	0.79	2000	SEBASTO	16-121700
17 S	47 E	WM	3	NE SE	1.20	700	PREECE	16-121800

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	47 E	WM	3	SW SE	2.10	700	PREECE	16-121800
17 S	47 E	WM	3	SW SE	1.93	2100	WELLER	16-122100
Total:					6.02			

10. 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-12553 was completed to the extent authorized in the transfer as described in Tables 1, 2, and 3.

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 Tables 1, 2, and 3, above.
3. The applicant has demonstrated proof of completion under T-12553 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12553 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 75691, 75712, and 75688 are modified as shown in Tables 1, 2, and 3, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JAN 03 2019

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

Oregon Department of Water Resources

Mailing date: JAN 04 2019