

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

In the Matter of the Completion of a Change ) DETERMINATION OF  
in Place of Use Under Transfer Application ) SATISFACTORY PROOF FOR A  
T-7598, Hood River County ) PERMANENT TRANSFER

**Authority**

Oregon Administrative Rule (OAR) 690-015-0110 described the documentation the district must file with the Department in order to provide proof of use.

OAR 690-015-0120 provided in pertinent part that satisfactory proof shall be (a) a determination by the Department that appropriation of water to beneficial use under the terms of the transfer approval order was completed to the extent authorized, or (b) a determination by the Department that the appropriation of water to a beneficial use under the terms of the transfer approval order was completed to an extent less than authorized. Such determination shall constitute proof for that portion of the appropriation.

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.

**Applicant**

FARMERS IRRIGATION DISTRICT  
1985 COUNTY CLUB RD  
HOOD RIVER

**Background and Findings of Fact**

1. On November 30, 1999, the Department issued a final order (FO), recorded in Special Order Volume 53, Pages 1464-1469, approving Transfer Application T-7598. The order established October 1, 2001, as the date for completion of the authorized changes in place of use.
2. On January 11, 2000, the Department issued an amending order (Amending FO) to correctly describe the proposed place of use. The order was recorded in Special Order Volume 54, Pages 28-29.
3. The FO and Amending FO approved the changes in place of use on 20.0 acres of primary irrigation under Certificate 46954, and 1.3 acres of primary and 20.0 acres of supplemental

**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.

irrigation under Certificate 46956. The FO also approved point of diversion changes under each of these two certificates.

4. On June 19, 1997, Certificate 46956 was superseded by Certificate 74300 which contained the following sentence: “This certificate together with Transfer 7598 supersedes certificate 46956.” On January 28, 2010, Certificate 74300 was superseded by Certificate 85975 which contained language stating that Certificate 85975 confirmed the place of use and points of diversion changes approved in T-7595. The total acres of primary irrigation under Certificate 74300 was increased by 1.3 acres on its superseding Certificate 85975, affirming that these acres were indeed confirmed on the superseding certificate. Likewise a comparison of Certificates 74300 and 85975 affirms that the points of diversion changes were confirmed in Certificate 85975. The total number of supplemental acres did not change.
5. On June 19, 1997, Certificate 46954 was superseded by Certificate 74298 which contained the following sentence: “This certificate together with Transfer 7598 supersedes certificate 46954.” On January 28, 2010, Certificate 74298 was superseded by Certificate 85974 which contained language indicating that 74298 confirmed the place of use and points of diversion changes approved in T-7598. A comparison of Certificates 74298 and 85974 affirms that the points of diversion changes were confirmed in Certificate 85974. However, the total number of acres on Certificates 74298 and 85974 are exactly the same, being 2260.4 acres. A comparison of the place of use between these two certificates demonstrates that the 20.0 acres of inchoate primary irrigation on 74298 were not actually included in the superseding Certificate 85974.
6. This Determination of Satisfactory Proof for a Permanent Transfer is being issued to confirm the 20.0 acres of primary irrigation as approved in T-7598 under Certificate 46954 that should have been included in Certificate 85974.
7. On October 1, 2002, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-7598 satisfying the requirements for proof of use under OAR 690-015-0110.
8. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-7598.
9. The inchoate lands for primary irrigation originating from T-7598 included on Certificate 74298, and as approved in the Amending FO Transfer Application T-7598 and recorded in Special Order Volume 54, Pages 28-29, are shown in Table 1, below.

**Table 1:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	10 E	WM	17	SW SW	10.0
2 N	10 E	WM	17	SW SE	10.0
<b>Total</b>					<b>20.0</b>

10. The CBU and associated maps for this transfer illustrate that the authorized place of use change was proved up on slightly differently than authorized. This change is shown in Table 2, below.

**Table 2:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	10 E	WM	17	SW SW	9.7
2 N	10 E	WM	17	SW SE	10.3
<b>Total</b>					<b>20.0</b>

11. The reconfigured change in place of use as mapped and described in Table 2 are determined satisfactory because the reconfiguration does not enlarge the right and the tax lot (and holder) remain the same.
12. Based on the review of evidence submitted by the applicant, the department finds that the application of water to beneficial use of 20.0 acres of inchoate lands for primary irrigation originating from T-7598, and included in Certificate 74298 was completed to the extent authorized in the transfer as described in Table 2.

**Conclusions of Law**

1. The Applicant has submitted proof of use pursuant to OAR 690-015-0110
2. Application of water to a beneficial use of 20.0 acres of primary irrigation under the terms of the transfer final order has been made to the extent shown in Table 2.
3. The applicant has demonstrated proof of completion of that portion of under T-7598 not yet confirmed in a certificate to the satisfaction of the department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-7598 consistent with this determination of satisfactory proof of completion.

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

Water right Certificate 85974 is modified as shown in Table 2, above. The Department will issue a superseding certificate describing this right when it determines it is necessary for record keeping.

Issued this 26 day of September, 2017.

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

Mailing date: OCT 03 2017