

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

In the Matter of the Completion of a Change)
of Place of Use Authorized by the Final)
Order Approving District Permanent)
Transfer T-10758, Malheur County)

FINAL ORDER CORRECTING A
DETERMINATION OF SATISFACTORY
PROOF

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

Rogue River Valley Irrigation District
3139 Merriman Rd.
Medford, OR 97501

Findings of Fact

1. On May 19, 2010, the Department signed an order approving Transfer Application T-10758 which was mailed on May 21, 2010. The order was recorded in Special Order Volume 80, Pages 1039-1066.
2. On October 6, 2014, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10758 satisfying the requirements for proof of use under OAR 690-385-7400.
3. On March 4, 2015, the Department issued a final order for Determination of Satisfactory Proof under transfer T-10758, recorded in Special Order Volume 84, Pages 270 – 271.
4. On January 30, 2018, the Department issued a final order correcting place of use errors, which is recorded in Special Order Volume 107, Pages 512-518. This order corrected portions of the Final Order recorded at Special Order Volume 80, Pages 1039-1066

This is a final order in other than a 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 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.

referenced in Finding of Fact #1, above. This correcting order was necessary to correct the authorized and proposed places of use for supplemental irrigation on Certificates 80875 and 83729. This order aligns the authorized and proposed places of use under Certificates 80875 and 83729 with places of use for the other primary and supplemental irrigation approved in T-10758 which have identical places of use at the locations applicable to the corrections made.

5. The Department re-reviewed the CBU and maps submitted by the applicant for Transfer Application T-10758.
6. 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 correcting place of use errors, which is recorded in Special Order Volume 107, Pages 512-518.

Conclusions of Law

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Water has been beneficially used under Certificates 80875 and 83729 to the extent authorized under the terms of the final order correcting the place of use errors for T-10758.
3. The applicant has demonstrated proof of completion for T-10758 under Certificates 80875 and 83729 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-10758 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. The portion of the final order pertaining to Certificates 80875 and 83729 as recorded in Special Order Volume 84, Pages 270 – 271 is hereby corrected.
2. The Department has determined that the application of water to beneficial use under the terms of the final order correcting place of use errors as recorded in Special Order Volume 107, Pages 512-518 for Transfer T-10758 was completed to the extent authorized.
3. All other provisions of the original order are unchanged.

Dated at Salem, Oregon on MAR 16 2018


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

Mailing Date: MAR 19 2018