

**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 ) DETERMINATION OF SATISFACTORY PROOF  
T-10998, 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**

WEST EXTENSION IRRIGATION DISTRICT  
P.O. BOX 100  
IRRIGON, OR 97844

**Findings of Fact**

1. On August 10, 2010, the Department issued a final order, which was mailed on August 11, 2010, and recorded in Special Order Volume 81, Pages 646-660, approving Transfer Application T-10998 involving Certificates 79924, 79925, 79926, 79928, and 79929. The final order established October 1, 2011, as the date for completion of the authorized changes in place of use.
2. On June 28, 2018, the Department issued a correcting final order, which was mailed on June 29, 2018, and recorded in Special Order Volume 108, Pages 728-729. This order was issued to correct errors in the original order recorded in Special Order Volume 81, Pages 646-660.

**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.

3. On March 25, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10998 satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-10998.
5. 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.
6. The proposed place of use for Certificates 79924 and 79929 as approved the final order for Transfer Application T-10998, and as recorded in Special Order Volume 81, Pages 646-660, and corrected in Special Order Volume 108, Pages 728-729, is shown in Table 1, below:

**Table 1:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 79924 (IR)	Certificate 79929 (IS)		
4 N	25 E	WM	13	SE NE	100	2.95	2.95	Chowning	2009-5
4 N	25 E	WM	13	SE SW	100	23.50	23.5	Chowning	2009-5
4 N	25 E	WM	13	NE SE	100	1.80	1.80	Chowning	2009-5
4 N	25 E	WM	13	SW SE	100	7.40	7.40	Chowning	2009-5
4 N	25 E	WM	13	SE SE	100	1.80	1.80	Chowning	2009-5
5 N	26 E	WM	25	SE SW	1602	0.50	0.50	Hellberg	2009-7
5 N	26 E	WM	25	NE SE	100	14.00	14.00	Morrow County School District	2009-5
5 N	27 E	WM	19	NE SW	100	5.70	5.70	Irrigon Parks / US Corp. of Engineers	2009-1
5 N	27 E	WM	20	SE SW	1000	0.90	0.90	Strebin	2009-6
5 N	27 E	WM	20	SE SW	1300	0.2	n/a	Strebin	2009-6
<b>TOTAL:</b>						<b>58.75</b>	<b>58.55</b>		

7. The proposed place of use for (only) Certificate 79924 as approved the final order for Transfer Application T-10998, and as recorded in Special Order Volume 81, Pages 646-660, is shown in Table 2, below:

**Table 2:**

IRRIGATION (IR) Certificate 79924								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User <sup>1</sup>	Notice #
4 N	25 E	WM	14	SW SW	1900	4.0	Nielsen	2009-7
5 N	26 E	WM	25	SE SW	1602	1.8	Hellberg	2009-7
5 N	27 E	WM	20	SE SW	1300	2.2	Strebin	2009-6
5 N	27 E	WM	29	NE NW	100	1.7	Strebin	2009-6
5 N	27 E	WM	30	SE NW	121	0.1	Patton	2009-7

IRRIGATION (IR) Certificate 79924								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User <sup>1</sup>	Notice #
5 N	27 E	WM	30	SE NW	119	0.8	Martinez	2009-7
<b>TOTAL:</b>						<b>10.6</b>		

<sup>1</sup>Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

8. The proposed place of use for Certificates 79925 and 79929 as approved the final order for Transfer Application T-10998, and as recorded in Special Order Volume 81, Pages 646-660, is shown in Table 3, below:

**Table 3:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User <sup>1</sup>	Notice#
						Certificate 79925 (IR)	Certificate 79929 (IS)		
4 N	24 E	WM	14	NE SW	205	2.2	2.2	<b>Krebs Livestock LLC</b>	2009-4
4 N	24 E	WM	14	SW SE	202	1.2	1.2	<b>Krebs Livestock LLC</b>	2009-4
5 N	26 E	WM	25	NE NE	200	0.3	0.3	Renteria	2009-7
5 N	27 E	WM	14	SE SE	1800	0.7	0.7	Childers	2009-7
<b>TOTAL:</b>						<b>4.4</b>	<b>4.4</b>		

<sup>1</sup>Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

9. The proposed place of use for Certificates 79926 and 79929 as approved the final order for Transfer Application T-10998, and as recorded in Special Order Volume 81, Pages 646-660, is shown in Table 4, below:

**Table 4:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User <sup>1</sup>	Notice #
						Certificate 79926 (IR)	Certificate 79929 (IS)		
4 N	25 E	WM	13	SE NE	100	13.4	13.4	<b>Krebs Livestock LLC</b>	2009-5
4 N	24 E	WM	14	NE SW	205	6.7	6.7	C. Finley	2009-4
5 N	27 E	WM	21	NE SW	200	0.4	0.4	Harrington	2009-2
<b>TOTAL:</b>						<b>20.50</b>	<b>20.50</b>		

<sup>1</sup>Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

10. The proposed place of use for (only) Certificate 79926 as approved the final order for Transfer Application T-10998, and as recorded in Special Order Volume 81, Pages 646-660, is shown in Table 5, below:

**Table 5:**

IRRIGATION (IR) Certificate 79926								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User <sup>1</sup>	Notice#
4 N	25 E	WM	13	SE NE	100	0.25	Chowning	2009-5
4 N	24 E	WM	14	NE SW	205	12.1	<b>Krebs Livestock LLC</b>	2009-4
<b>TOTAL:</b>						<b>12.35</b>		

<sup>1</sup>Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

- The proposed place of use for Certificates 79928 and 79929 as approved the final order for Transfer Application T-10998, and as recorded in Special Order Volume 81, Pages 646-660 and corrected in Special Order Volume 108, Pages 728-729, is shown in Table 6, below.

**Table 6:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User <sup>1</sup>	Notice #
						Certificate 79928 (IR)	Certificate 79929 (IS)		
4 N	25 E	WM	13	NE SE	100	6.4	6.4	Chowning	2009-5
4 N	25 E	WM	13	SE SE	100	0.7	0.7	Chowning	2009-5
5 N	26 E	WM	35	SW SE	300	5.0	5.0	<b>Walker</b>	2009-3
5 N	26 E	WM	35	SW SE	305	3.0	3.0	<b>Collins</b>	2009-3
5 N	27 E	WM	20	SW SE	800	0.6	0.6	Strebin	2009-6
5 N	27 E	WM	30	SW NE	107	7.0	7.0	Strebin	2009-6
<b>TOTAL:</b>						<b>22.7</b>	<b>22.7</b>		

<sup>1</sup>Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

- 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-10998 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, 5, and 6, above.

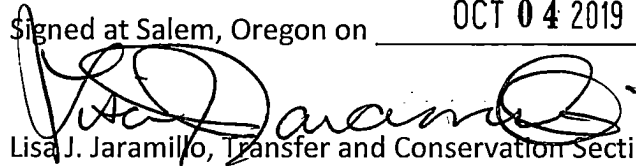
**Conclusions of Law**

- 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, 2, 3, 4, 5, and 6, above.
- The applicant has demonstrated proof of completion under T-10998 to the satisfaction of the Department.
- The Department is authorized to issue or modify certificates of water rights involved in transfer T-10998 consistent with this determination of satisfactory proof of completion.

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

1. Water right Certificates 79924, 79925, 79926, 79928, and 79929 are modified as shown in Tables 1, 2, 3, 4, 5, and 6, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on OCT 04 2019



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: OCT 04 2019