

**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**  
T-11957, Jefferson County ) **SATISFACTORY PROOF**

**Authority**

ORS 540.530 and OAR 690-385-7600 describe the process for the Water Resources Department to issue or modify a water right certificate upon determination that an applicant has made satisfactory proof of the completion of the changes.

**Applicant**

North Unit Irrigation District  
2024 NW Beech Street  
Madras, Oregon 97741

**Findings of Fact**

1. On February 3, 2015, the Department issued a final order, recorded in Special Order Volume 95, Pages 19-23, approving Transfer Application T-11957. The order established October 1, 2016, as the date for completion of the authorized changes in place of use.
2. On September 6, 2016, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11957.
4. 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.
5. On April 10, 2015, Certificate 88876 was cancelled by Special Order Volume 95, Pages 520-534 approving Allocation of Conserved Water Application CW-81. Certificates 90176 and 90177 were issued to supersede Certificate 88876. Certificate 90176 describes the portion of the right placed instream under CW-81, and Certificate 90177 describes that portion of the right reduced in rate under CW-81.

**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.

6. During review of the CBU a scrivener's error was identified in the final order dated February 3, 2015. The final order identified the location as:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot #	Acres	Water User
9 S	14 E	WM	35	SE SE	600	3.0	Holdorf

The corrected location (**in bold**) is as follows:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot #	Acres	Water User
9 S	14 E	WM	<b>28</b>	SE SE	600	3.0	Holdorf

7. Since the issuance of the order approving Transfer Application T-11957 there has been a change in ownership of one of the parcels affected by the transfer. The table below illustrates these changes.

Twp	Rng	Sec	Mer	Q-Q	Tax Lot	Former Water User	Current Water User	Notice #
11 S	14 E	32	WM	SW NE	1800	Norton Cattle Company LLC	Norton Land Company LLC	14-16 14-17
11 S	14E	32	WM	SE NE	1800	Norton Cattle Company LLC	Norton Land Company LLC	14-16

8. 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 approving Transfer Application T-11957.

### Conclusions of Law

Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination that the application of water to beneficial use under the terms of the final order approving a permanent district transfer was completed to the extent authorized.

### Now, therefore, it is ORDERED:

- The water has been applied to beneficial use to the extent authorized under the terms of the final order approving Transfer Application T-11957.
- Water right certificates 72279, 72281 and 90177 are modified. The Department shall issue water right certificates on a determination that it is necessary to produce certificates describing the water rights.

Issued this 26 day of September, 2016.

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

Mailing date: OCT 07 2016