

3. On October 11, 2016, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11935.
4. On July 31, 2017 the applicant submitted minor corrections to the CBU thereby satisfying the requirements for proof of use under OAR 690-385-7400.
5. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11935.
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 74299 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 1:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7410
2 N	10 E	WM	17	SE SE	4300	0.40	WY' EAST ORCHARD LLC	7443
Total						1.00		

8. The proposed place of use for Certificate 74302 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 2:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	17	SE SE	4300	0.40	WY' EAST ORCHARD LLC	7444

9. The proposed place of use for Certificate 74306 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 3:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	1	SE NW	1100	0.25	NICKELSEN ORCHARDS INC	7397
2 N	10 E	WM	1	SE NW	3800	0.05	NICKELSEN ORCHARDS INC	-
2 N	10 E	WM	3	NW SE	300	0.10	BENTZ	-
2 N	10 E	WM	11	NE SE	300	0.65	RED BARN ORCHARDS	7399
2 N	10 E	WM	11	NE SE	1000	0.15	RED BARN ORCHARDS	7400
2 N	10 E	WM	11	SE SE	300	0.25	RED BARN ORCHARDS	7401
2 N	10 E	WM	12	NW SW	300	0.75	RED BARN ORCHARDS	7404

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	12	NW SW	2600	0.35	RED BARN ORCHARDS	7405
2 N	10 E	WM	10	NE NW	100	1.40	GLORY ORCHARDS	-
2 N	10 E	WM	10	SE NW	100	0.05	GLORY ORCHARDS	7395
2 N	10 E	WM	14	NW SW	2008	0.55	BECK	7301
3 N	10 E	WM	34	NW NE	1400	0.50	BREWER	7387
3 N	10 E	WM	34	NW SW	702	0.25	VAGLIENTI	-
Total						5.30		

10. The proposed place of use for Certificate 76230 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 4:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	5	SE SW	301	0.20	HOOD RIVER CHERRY CO ¹	7413

¹This is different from the water user (Fowler) that was listed in the transfer final order. It has been updated here to reflect the change as shown in the CBU.

11. The proposed place of use for Certificate 85974 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 5:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	5	SE SW	301	1.30	HOOD RIVER CHERRY CO ¹	7406
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7409
2 N	10 E	WM	17	SE SE	4300	0.40	WY EAST ORCHARD LLC	7442
Total						2.30		

¹This is different from the water user (Fowler) that was listed in the transfer final order. It has been updated here to reflect the change as shown in the CBU.

12. The proposed place of use for Certificate 85975 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 6:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	17	NE SW	2500	0.05	WIMMERS	-

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	5	SE SW	301	1.30	HOOD RIVER CHERRY CO ¹	7407
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7411
2 N	10 E	WM	17	SE SE	4300	0.40	WY EAST ORCHARD LLC	7445
Total						2.30		

¹ This is different from the water user (Fowler) that was listed in the transfer final order. It has been updated here to reflect the change as shown in the CBU.

13. The proposed place of use for Certificate 85976 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 7:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7412
2 N	10 E	WM	17	SE SE	4300	0.40	WY EAST ORCHARD LLC	7446
Total:						1.00		

14. The proposed place of use for Certificate 74334 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 8:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	12	NW SW	300	0.40	RED BARN ORCHARDS	-

15. The proposed place of use for Certificate 74335 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 9:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	11	NE SE	300	0.59	RED BARN ORCHARDS	-

16. The proposed place of use for Certificate 74368 as approved the final order for Transfer Application T-11935, and as recorded in Special Order Volume 105, Pages 505-517 is shown in the table below:

Table 10:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	1	SE NW	3800	0.25	NICKELSEN ORCHARDS INC	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	10 E	WM	1	SE NW	3800	0.05	NICKELSEN ORCHARDS INC
Total:						0.30	

17. 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-11935 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, above.

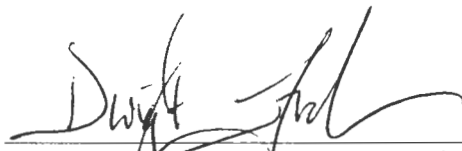
Conclusions of Law

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, 3, 4, 5, 6, 7, 8, 9, and 10, above.
3. The applicant has demonstrated proof of completion under T-11935 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11935 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 74334, 74335, and 74368 are modified as shown in Tables 8, 9, and 10, above. No new certificates will be issued describing the modifications of these rights because the place of use changes occur within the same quarter-quarters.
2. Water right Certificates 74299, 74302, 74306, 76230, 85974, 85975, and 85976 are modified. are modified as shown in Tables 1, 2, 3, 4, 5, 6, and 7, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 13 day of October 2017.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing date: OCT 19 2017