

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

In the Matter of the Completion of a)	DETERMINATION OF
Change of Place of Use Authorized by the)	SATISFACTORY PROOF
Final Order Approving District Permanent)	
Transfer T-11336, Deschutes and Crook)	LOSS OF RIGHT
Counties)	

Authority

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Central Oregon Irrigation District (COID)
1055 SW Lake Court
Redmond, OR 97756

Findings of Fact

1. On March 1, 2012, the Department issued a final order, recorded in Special Order Volume 87, Pages 132 - 136, approving district permanent Transfer Application T-11336. The order established October 1, 2013, as the date for completion of the change in place of use.
2. A series of correcting orders (related to instream leases and allocation of conserved water) were issued addressing a scrivener's error and correcting the quantities of water the transfer is limited to, at points of diversion #1 and #11.
3. On September 12, 2014, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11336.
5. The CBU did not contain map(s) of the point(s) 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 changes in point of diversion, the existing map(s) on file with the Department are sufficient to identify the point(s) of diversion from the source.

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.

6. The CBU and associated maps for a portion of this transfer illustrate that the water right was developed for less than that which was authorized by the final order. This change is described further in the tables below:

As authorized in the order:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice #	POD #
17 S	13 E	WM	30	NE NE	1.25	100	ANTONSEN	2011-015	1
17 S	13 E	WM	30	NE NE	0.65	100	ANTONSEN	2011-015	1
17 S	13 E	WM	30	SE NE	2.60	100	ANTONSEN	2011-015	1
Total:					4.50				

As identified in the CBU and associated maps:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice#	POD #
17 S	13 E	WM	30	NE NE	1.19	100	ANTONSEN	2011-015	1
17 S	13 E	WM	30	SE NE	1.00	100	ANTONSEN	2011-015	1
17 S	13 E	WM	30	NE NE	0.21	*102	ANTONSEN	2011-015	1
17 S	13 E	WM	30	SE NE	1.40	*102	ANTONSEN	2011-015	1
Total:					3.80				

*Tax lot split subsequent to transfer approval. The updated tax lot is reflected here.

7. The CBU indicates a portion of the water right was not fully perfected. The water right not perfected and therefore not confirmed is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Water User	Notice #	POD #
17 S	13 E	WM	30	NE NE	0.50	ANTONSEN	2011-015	1
17 S	13 E	WM	30	SE NE	0.20	ANTONSEN	2011-015	1

8. The changes in place of use as mapped and described above are determined satisfactory because the changes do not enlarge the right and the water right holder remains the same.
9. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed, the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the points of diversion, the portion not fully perfected would be limited as described in the table below. These rates are also the quantities by which Certificate 83571, **at POD #1 (Central Oregon Canal)**, shall be reduced upon issuance of this order

Priority Date(s)	Season 1	Season 2	Season 3	Duty (acre-feet)
	4/1 - 4/30 & 10/1 - 10/31	5/1 - 5/14 & 9/16 - 9/30	5/15 - 9/15	
October 31, 1900	0.009	0.012	0.015	6.86
December 2, 1907	--	--	0.006	

10. The portion of the water right evidenced by Certificate 76714 has been forfeited for failure to fully prove up the use of stored water for supplemental irrigation on the lands described in Finding of Fact #8. The forfeited portion of the water right no longer authorizes water to be

applied at the place of use described in Finding of Fact #7, but does not reduce the total quantity of water available for supplemental irrigation.

11. 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-11336.

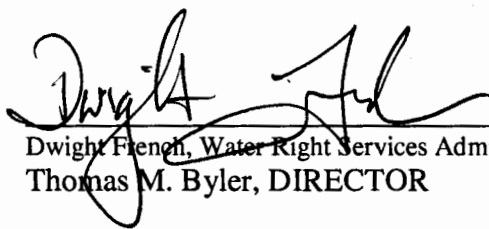
Conclusions of Law

Pursuant to OAR 690-385-7600, the Department may issue 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:

1. The Department has determined that the application of water to beneficial use under the terms of the final order approving permanent district Transfer Application T-11336 was completed to an extent less than authorized.
2. The portion of the rights not perfected, as described above, are lost.
3. Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 5 day of June, 2015.



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

Mailing Date: JUN 08 2015