

**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-10242 |) | LOSS OF WATER RIGHT |

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
1055 SW Lake Court
Redmond, OR 97756

Findings of Fact

1. On April 10, 2008, the Department issued a final order, recorded in Special Order Volume 74, Pages 549 - 552, approving district permanent transfer application T-10242. The order established October 1, 2009, as the date for completion of the authorized change in place of use.
2. On September 30, 2009, the Department received a claim of beneficial use for T-10242.
3. The Department reviewed the claim of beneficial use and final proof maps submitted by the applicant for district permanent transfer T-10242.
4. The claim of beneficial use did not contain map(s) of the point(s) of diversion from the source. However, since these changes are for place of use only within an irrigation district, and do 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.
5. The claims of beneficial use and final proof map for a portion of T-10242 identifies a portion of the completed change slightly differently from that authorized by the final order approving the transfer. However, while the change was completely differently, it remains within the same quarter-quarter and under the same ownership. The parcel that was proved up on differently is further described in the table below:

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.

| Twp | Rng | Mer | Seca | Q - Q | Tax Lot | Acres | User |
|------|------|-----|------|-------|---------|-------|-------|
| 15 S | 12 E | WM | 13 | NE NE | 100 | 5.0 | Trent |

6. The claim of beneficial use report and associated map for a different portion of T-10242 indicates that a portion of the water rights (Certificate 83571 and 76714) were not fully perfected, is less than approved (-0.40 acres) and is described in the tables below:

| As authorized by Final Order (Special Order Volume 74 Pages 549 – 552) | | | | | | | |
|--|------|-----|-----|-------|---------|-------|------------|
| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | Acres | Notice # |
| 18 S | 13 E | WM | 12 | NW SE | 605 | 1.00 | T-2006-013 |

| As documented on Claim of Beneficial Report and map | | | | | | | |
|---|------|-----|-----|-------|---------|-------|------------|
| Twp | Rng | Mer | Sec | Q - Q | Tax Lot | Acres | Notice # |
| 18 S | 13 E | WM | 12 | NW SW | 605 | 0.60 | T-2006-013 |

7. 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 (POD), the portion of the right not proved up on would be limited as described in the table below. These rates are also the quantities by which Certificate 83571, at POD #1, shall be reduced upon issuance of this order.

| PRIORITY DATES | SEASON 1 | SEASON 2 | SEASON 3 | DUTY |
|------------------|--|---|--------------------------|------|
| | April 1 – April 30 and October 1 – October 31 | May 1 – May 14 and September 16 – September 30 | May 15 – September 15 | |
| October 31, 1900 | 0.005 | 0.006 | 0.009 | 6.81 |
| December 2, 1907 | | | 0.003 | |

8. Satisfactory proof of the changes were submitted with evidence showing that water was used in the location, except as noted in Findings of Fact #5 and #6, and for the purpose as authorized by the final order approving T-10242.

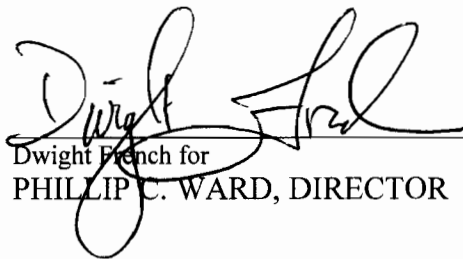
Conclusions of Law

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 district permanent transfer T-10242 was completed to the extent authorized except as noted above.
2. 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 20 day of October, 2010.


Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing Date: OCT 22 2010