

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

In the Matter of the Completion of a	)	
Change of Place of Use Authorized by the	)	DETERMINATION OF
Final Order Approving District Permanent	)	SATISFACTORY PROOF
Transfer T-10288	)	

**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**

Ochoco Irrigation District  
1001 NW Deer St.  
Prineville, OR 97754

**Findings of Fact**

1. On November 14, 2007, the Department issued a final order, recorded in Special Order Volume 73, Pages 647 - 653, approving district permanent transfer application T-10288. The order established October 1, 2009, as the date for completion of the authorized change in place of use.
2. On November 6, 2009, the Department received a claim of beneficial use for T-10288.
3. Clarification of a portion of the claim, related to Notice# 06-008, was received by the Department on January 21, 2010.
4. The Department reviewed the claim of beneficial use and final proof maps submitted by the applicant for district permanent transfer T-10288.
5. 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.
6. A final proof maps for a portion of T-10288 reconfigures the place of use for irrigation of the 58.9 acres under Notice #06-008 differently from that authorized by the final order approving the transfer. However, the total number of acres of irrigation did not change. Furthermore,

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.

the lands are contiguous to those authorized and are under the same ownership. Therefore, the reconfiguration is determined satisfactory.

7. A final proof maps for a portion of T-10288 reconfigures the place of use for irrigation of the 15.9 acres under Notice #06-016 differently from that authorized by the final order approving the transfer. However, the total number of acres of irrigation did not change. Furthermore, the lands are contiguous to those authorized and are under the same ownership. Therefore, the reconfiguration is determined satisfactory.
8. A final proof map for a portion of T-10288 reconfigures the place of use for irrigation of the 2.8 acres under Notice #06-018 differently from that authorized by the final order approving the transfer. However, the total number of acres of irrigation did not change. Furthermore, the lands are contiguous to those authorized and are under the same ownership. Therefore, the reconfiguration is determined satisfactory.
9. Other than noted in Findings of Fact #6, #7 and #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 T-10288.

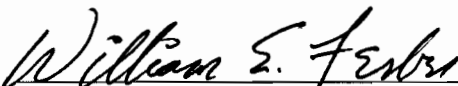
#### **Conclusions of Law**

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-10288 was completed to the extent authorized.
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 22<sup>nd</sup> day of January, 2010.

  
By Phillip C. Ward, Director

Mailing Date: JAN 26 2010