

**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)
Final Order Approving District Permanent)
Transfer Application T-10900) **DETERMINATION OF
SATISFACTORY PROOF**

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

Three Sisters Irrigation District
PO Box 2230
Sisters, OR 97759

Findings of Fact

Background

1. On September 28, 2011, the Department issued a final order, recorded in Special Order Volume 85, Pages 473 - 476, approving district permanent Transfer Application T-10900. The order established October 1, 2012, as the date for completion of the authorized change in place of use.
2. On April 4, 2013, the Department received a claim of beneficial use and associated map for Transfer Application T-10900.
3. On April 3, 2014, the Department received an amended claim of beneficial use and associated map for Transfer Application T-10900.
4. The Department reviewed the claim of beneficial use and final proof maps submitted by the applicant for Transfer Application T-10900.
5. The claim of beneficial use did not contain map(s) of the point(s) of diversion/appropriation 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/appropriation, the existing map(s) on file with the Department are sufficient to identify the point(s) of diversion/appropriation 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 claims of beneficial use and final proof map for a portion of Transfer Application T-10900 identify the completed change differently from that authorized by the final order approving the transfer application.

7. The change in place of use under Certificate 74135 authorized in the order was as follows:

| Priority | Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | User |
|----------|-----|-----|-----|-----|-------|-------|---------|---------------|
| 1895 | 15S | 10E | WM | 24 | SW SW | 0.61 | 900 | SISTERS RODEO |
| 1895 | 15S | 10E | WM | 24 | SE SW | 4.39 | 600 | SISTERS RODEO |
| Total: | | | | | | 5.00 | | |

8. The map submitted with the Claim of Beneficial Use illustrates the following:

| Irrigation | | | | | | | | |
|------------|-----|-----|-----|-----|-------|-------|---------|---------------|
| Priority | Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | User |
| 1895 | 15S | 10E | WM | 24 | SE SW | 5.00 | 600 | SISTERS RODEO |

9. Since the issuance of the final order approving Transfer Application T-10900 the current water users of the approved transfer have changed the updated water users are described in the table below:

| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | User (as documented on the Final Order) | Current Water User |
|-----|-----|-----|-----|-------|-------|---------|---|--------------------|
| 15S | 10E | WM | 12 | SE NE | 1.21 | 100 | CYRUS | ASPEN DEVELOPMENT |
| 15S | 10E | WM | 24 | SW NW | 1.77 | 200 | PATTERSON | TEMPLE |

10. The reconfigured change in location of use as described in Findings of Fact #8 above is determined satisfactory because the reconfigured, completed use is within for same water right holder and affects the same number of irrigated acres.

11. Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized or as reconfigured (see above) by the final order approving Transfer Application T-10900.


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 Transfer Application T-10900 was completed consistent with the authorization.
2. A new confirming certificate for the portion of Certificate 86162 involved in Transfer Application T-10900 shall be issued.
3. Pursuant to OAR 690-385-7600, Certificate 74135 will be superseded by a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 10 day of April, 2014.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 23 2014