

**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-10841, Crook)
County)

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

Ochoco Irrigation District
Attn: Bob Main
1001 NW Deer St.
Prineville, OR 97754

Findings of Fact

1. On May 29, 2009, the Department issued a final order, recorded in Special Order Volume 77, Pages 950 - 954, approving district permanent transfer application T-10841. The order established October 1, 2010, as the date for completion of the authorized change in place of use.
2. On October 18, 2010, the Department received from Ochoco Irrigation District an application for an extension of time for Transfer Application T-10841.
3. On October 25, 2010, the Department issued a final order extending the completion date for Transfer Application T-10841 until October 1, 2011. The order is recorded in Special Order Volume 82, Pages 1179 – 1180.
4. On February 21, 2012, the Department received claims of beneficial use for Transfer Application T-10841.
5. The Department reviewed the claim of beneficial use and final proof maps submitted by the applicant for district permanent transfer T-10841.
6. 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,

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.

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.

7. A portion of the transfer was completed differently than authorized by the final order approving Transfer Application T-10841. This reconfiguration is more completely described in the tables below:

As identified in Special Order Volume 77, Page 952 – Finding of Fact #6

Twp	Rng	Mer	Sec	Q - Q	Acres	User	Notice #
13 S	15 E	WM	32	NW SW	5.6	Mike McCabe	2-08
13 S	15 E	WM	32	SW SW	0.2	Mike McCabe	2-08
Total:					5.8		

As documented on Claim of Beneficial Use Site Report and associated map:

Twp	Rng	Mer	Sec	Q - Q	Acres	User	Notice #
13 S	15 E	WM	32	NE SW	0.60	McCabe	2-08
13 S	15 E	WM	32	NW SW	4.60	McCabe	2-08
13 S	15 E	WM	32	SW SW	0.03	McCabe	2-08
13 S	15 E	WM	32	SE SW	0.57	McCabe	2-08
Total:					5.80		

8. The reconfiguration described above is deemed satisfactory because the number of acres has not been increased and the water right holder remains the same.
9. Satisfactory proof of the changes were 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-10841 or as otherwise described herein.

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:

The Department has determined that the application of water to beneficial use under the terms of the final order approving district permanent Transfer Application T-10841 was completed to the extent authorized.

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 19 day of March, 2012.


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

Mailing Date: **MAR 21 2012**