

BEFORE THE WATER RESOURCES DEPARTMENT
FOR THE
STATE OF OREGON

In the Matter of the Completion of a Change) DETERMINATION OF SATISFACTORY
in Place of Use Under Transfer Application) PROOF OF COMPLETION FOR A
T-13587 County) PERMANENT DISTRICT TRANSFER

Authority

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statute (ORS) 540.530(2)(a) and OAR 690-385-7600 authorize the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent district transfer.

Applicant

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND, OR 97703

Findings of Fact

1. On May 19, 2021, the Department signed a final order, which was mailed on May 20, 2021, and recorded in Special Order Volume 120, Pages 618-624, approving Transfer Application T-13587 involving Certificates 95175, 95176, 95177, 95178 and 74149. The final order established October 1, 2020, as the date for completion of the authorized changes in place of use.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

2. On October 11, 2021, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13587 satisfying the requirements for providing proof of use under OAR 690-385-7400.
3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-13587.
4. The CBU did not contain a map of the point 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 a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
5. The proposed place of use for Certificate 95175 as approved the final order for Transfer Application T-13587, and as recorded in Special Order Volume 120, Pages 618-624 is shown in Table 1, below:

Table 1:

IRRIGATION									
Priority Date	Twp	Rng	Me	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
4/28/1905	16 S	12 E	W	17	NW NE	0.02	400	WALTERSCHEID	N20.002
6/1/1907	16 S	12 E	W	17	NW NE	0.43	400	WALTERSCHEID	N20.002
9/1900	16 S	12 E	W	19	SE NE	2.00	1700	WISEMAN	N20.003
Total:						2.45			

6. The proposed place of use for Certificate 95176 as approved the final order for Transfer Application T-13587, and as recorded in Special Order 120, Pages 618-624 is shown in Table 2, below:

Table 2:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acre	Tax Lot	Water User	Notice
16 S	11 E	WM	14	SE NE	2.00	101	BAFFORD/STROEMPLE	N20.001

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acre	Tax Lot	Water User	Notice
16 S	12 E	WM	17	NW NE	0.02	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	17	NW NE	0.43	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	19	SE NE	2.00	1700	WISEMAN	N20.003
Total:						2.45		

7. The proposed place of use for Certificate 95177 as approved the final order for Transfer Application T-13587, and as recorded in Special Order 120, Pages 618-624 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acre	Tax Lot	Water User	Notice
16 S	11 E	WM	14	SE NE	2.00	101	BAFFORD/STROEMPLE	N20.001
16 S	12 E	WM	17	NW NE	0.02	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	17	NW NE	0.43	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	19	SE NE	2.00	1700	WISEMAN	N20.003
Total:					4.45			

8. The proposed place of use for Certificate 95178 as approved the final order for Transfer Application T-13587, and as recorded in Special Order 120, Pages 618-624 is shown in Table 4, below:

Table 4:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acre	Tax Lot	Water User	Notice
16 S	11 E	WM	14	SE NE	2.00	101	BAFFORD/STROEMPLE	N20.001
16 S	12 E	WM	17	NW NE	0.02	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	17	NW NE	0.43	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	19	SE NE	2.00	1700	WISEMAN	N20.003
Total:					4.45			

9. The proposed place of use for Certificate 74149 as approved the final order for Transfer Application T-13587, and as recorded in Special Order 120, Pages 618-624 is shown in Table 2, below:

Table 5:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acre	Tax Lot	Water User	Notice
16 S	11 E	WM	14	SE NE	2.00	101	BAFFORD/STROEMPLE	N20.001
16 S	12 E	WM	17	NW NE	0.02	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	17	NW NE	0.43	400	WALTERSCHEID TRUST	N20.002
16 S	12 E	WM	19	SE NE	2.00	1700	WISEMAN	N20.003
Total:					4.45			

10. Based on the review of evidence submitted by the applicant, the Department finds that the application of water to beneficial use under the terms of the transfer final order for T-13587 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, and 5.

Conclusions of Law

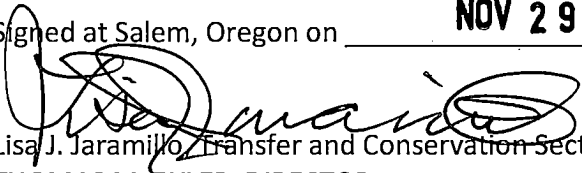
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, 2, 3, 4, and 5, above.

3. The applicant has demonstrated proof of completion under T-13587 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-13587 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 95175, 95176, 95177, 95178 and 74149 are modified as shown in Tables 1, 2, 3, 4, and 5, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on NOV 29 2021


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: NOV 30 2021