

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

In the Matter of the Completion of a Change)
in Place of Use Under Transfer Application) **DETERMINATION OF**
T-11703, Deschutes County) **SATISFACTORY PROOF**

Authority

ORS 540.530 and OAR 690-385-7600 describe the process for the Water Resources Department to issue or modify a water right certificate upon determination that an applicant has made satisfactory proof of the completion of the changes.

Applicant

Central Oregon Irrigation District
1055 SW Lake Court
Redmond, OR 97756

Findings of Fact

1. On March 4, 2014, the Department issued a final order, recorded in Special Order Volume 91, Pages 908-912, approving Transfer Application T-11703. The order established October 1, 2015, as the date for completion of the authorized changes in place of use.
2. On August 18, 2016, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11703.
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. Since the issuance of the order approving Transfer Application T-11703 there have been changes in ownership of some of the parcels affected by the transfer. The table below illustrates these changes.

Twp	Rng	Sec	Mer	Q-Q	Former Water User	Current Water User	Notice #
14 S	13 E	09	WM	SESE	Darlington	Rocke & Donna Darlington Living Trust	T-2013-023 T-2013-026

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.

Twp	Rng	Sec	Mer	Q-Q	Former Water User	Current Water User	Notice #
15 S	13 E	03	WM	NENE	Armstrong	LA Armstrong Living Trust	T-2013-026

6. A portion of the transfer was developed differently than authorized in the order.

As authorized by the Final Order							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Notice #
15 S	12 E	WM	24	NENW	103	1.9	T-2013-026
17 S	12 E	WM	11	NWNE	202	0.6	T-2013-026

As documented on the CBU and associated maps							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Notice #
15 S	12 E	WM	24	NENW	103	1.9	T-2013-026
17 S	12 E	WM	11	NWNE	202	0.6	T-2013-026

*This reconfigured use is within the same tax lot and quarter-quarter.

- The reconfigured change in place of use as documented in the CBU and associated map is determined satisfactory because the reconfigured, completed use is under the same water right holder, does not enlarge the right and affects the same number of irrigated acres.
- 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 Transfer Application T-11703.

Conclusions of Law

Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination 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 water has been applied to beneficial use to the extent authorized under the terms of the final order approving Transfer Application T-11703.
- Water right certificates 83571 and 76714 are modified. The Department shall issue water right certificates on a determination that it is necessary to produce certificates describing the water rights.

Issued this 21 day of October, 2016.


 Dwight French, Water Right Services Administrator, for
 Thomas M. Byler, Director

Mailing date: OCT 28 2016