

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-14135 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 February 16, 2023, the Department signed a final order, which was mailed on February 17, 2023, and recorded in Special Order Volume 127, Pages 443-451, approving Transfer Application T-14135 involving Certificates 95175, 95176, 95177, 95178, 74149 and 79719. The final order established October 1, 2024, as the date for completion of the authorized changes in place of use.
2. On September 11, 2023, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-14135 satisfying the requirements for providing proof of use under OAR 690-385-7400.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is a final order in other than 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 either 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.

3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-14135.
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-14135, and as recorded in Special Order Volume 127, Pages 443-451 is shown in Table 1, below:

**Table 1:**

IRRIGATION									
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
9/1900	16 S	11 E	WM	27	SW SE	1.14	502	KINGERY	22.002
8/5/1900	17 S	11 E	WM	11	SE NW	1.20	600	DUGAN	22.003
9/1900	17 S	11 E	WM	11	SE NW	0.20	600	DUGAN	22.003*
9/1900	17 S	11 E	WM	12	NW SW	9.00	900	MCCLAIN REVOCABLE TRUST	22.001*
<b>Total</b>						<b>11.54</b>			

\*Lands for primary irrigation formerly under Certificate 76106

6. The proposed place of use for Certificate 95176 as approved the final order for Transfer Application T-14135, and as recorded in Special Order Volume 127, Pages 443-451 is shown in Table 2, below:

**Table 2:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	25	NE SW	0.60	913	LAHEY	22.004
16 S	11 E	WM	25	NW SE	1.05	913	LAHEY	22.004
<b>Total:</b>					<b>1.65</b>			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	SW SE	1.14	502	KINGERY	22.002
17 S	11 E	WM	11	SE NW	1.20	600	DUGAN	22.003
<b>Total</b>					<b>2.34</b>			

7. The proposed place of use for Certificate 95177 as approved the final order for Transfer Application T-14135, and as recorded in Special Order Volume 127, Pages 443-451 is shown in Table 3, below:

**Table 3:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	25	NE SW	0.60	913	LAHEY	22.004
16 S	11 E	WM	25	NW SE	1.05	913	LAHEY	22.004
16 S	11 E	WM	27	SW SE	1.14	502	KINGERY	22.002
17 S	11 E	WM	11	SE NW	1.20	600	DUGAN	22.003
17 S	11 E	WM	11	SE NW	0.20	600	DUGAN	22.003*
17 S	11 E	WM	12	NW SW	9.00	900	MCCLAIN REVOCABLE TRUST	22.001*
<b>Total</b>					<b>13.19</b>			

\*Lands for supplemental irrigation formerly described under Certificate 76106

8. The proposed place of use for Certificate 95178 as approved the final order for Transfer Application T-14135, and as recorded in Special Order Volume 127, Pages 443-451 is shown in Table 4, below:

**Table 4:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	25	NE SW	0.60	913	LAHEY	22.004
16 S	11 E	WM	25	NW SE	1.05	913	LAHEY	22.004
16 S	11 E	WM	27	SW SE	1.14	502	KINGERY	22.002
17 S	11 E	WM	11	SE NW	1.20	600	DUGAN	22.003
17 S	11 E	WM	11	SE NW	0.20	600	DUGAN	22.003*
17 S	11 E	WM	12	NW SW	9.00	900	MCCLAIN REVOCABLE TRUST	22.001*
<b>Total</b>					<b>13.19</b>			

\*Lands for supplemental irrigation formerly described under Certificate 76106

9. The proposed place of use for Certificate 74149 as approved the final order for Transfer Application T-14135, and as recorded in Special Order Volume 127, Pages 443-451 is shown in Table 5, below:

**Table 5:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	25	NE SW	0.60	913	LAHEY	22.004
16 S	11 E	WM	25	NW SE	1.05	913	LAHEY	22.004
16 S	11 E	WM	27	SW SE	1.14	502	KINGERY	22.002
17 S	11 E	WM	11	SE NW	1.20	600	DUGAN	22.003*
17 S	11 E	WM	11	SE NW	0.20	600	DUGAN	22.003*
17 S	11 E	WM	12	NW SW	9.00	900	MCCLAIN REVOCABLE TRUST	22.001
<b>Total</b>					<b>13.19</b>			

\*Lands for supplemental irrigation formerly described under Certificate 76106

10. The proposed place of use for Certificate 79719 as approved the final order for Transfer Application T-14135, and as recorded in Special Order Volume 127, Pages 443-451 is shown in Table 6, below:

**Table 6:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	27	SW SE	1.14	502	KINGERY	22.002

11. 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-14135 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, 5, and 6.

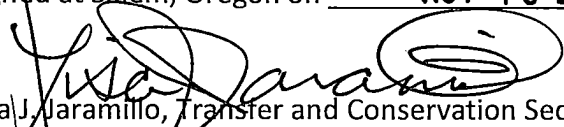
**Conclusions of Law**

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, 5, and 6, above.
3. The applicant has demonstrated proof of completion under T-14135 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-14135 consistent with this determination of satisfactory proof of completion.

**Now, therefore, it is ORDERED:**

1. Water right Certificate 97363 is issued to confirm the change in place of use under Certificate 79719, as shown in Table 6, above.
2. 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 16 2023

  
 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
 Douglas E. Woodcock, Acting Director  
 Oregon Water Resources Department

Mailing Date: NOV 17 2023