

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-11956, Crook 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**

OCHOCO IRRIGATION DISTRICT  
1001 NW DEER ST,  
PRINEVILLE, OREGON 97754

**Findings of Fact**

1. On February 3, 2015, the Department signed a final order, which was mailed on February 6, 2015, and recorded in Special Order Volume 95, Pages 15-18, approving Transfer Application T-11956 involving Certificates 82246 and 82247. The final order established October 1, 2016, as the date for completion of the authorized changes in place of use.
2. On December 12, 2016, the Department signed a final order, which was mailed on December 14, 2016, and recorded in Special Order Volume 103, Pages 557-558, extending the completion date of the authorized change in place of use to October 1, 2017.

**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.

3. On December 29, 2017, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11956 satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11956.
5. 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.
6. The proposed place of use for Certificate 82246 as approved the final order for Transfer Application T-11956, and as recorded in Special Order Volume 95, Pages 15-18 is shown in Table 1, below:

Table 1:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14S	15E	WM	1	NW NE	3.80	100	Westwood	11-14
14S	15E	WM	1	NE NW	0.5	100	Westwood	10-14
14S	15E	WM	1	NE NW	9.6	100	Westwood	11-14
14S	15E	WM	1	SE NW	0.1	100	Westwood	11-14
14S	15E	WM	11	SE SW	1.1	3300	Paunina Inv. Corp	5-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	1-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	2-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	3-14
14S	15E	WM	24	NE SW	0.1	100	Winebarger	8-14
14S	16E	WM	25	NW NE	0.5	102	Dunn	4-14
14S	16E	WM	27	SW NE	0.3	118	Evans	6-14
14S	16E	WM	27	SW NE	0.3	118	Evans	7-14
14S	16E	WM	30	SE NE	0.3	3510	Read	9-14
<b>Total</b>					<b>17.2</b>			

7. The proposed place of use for Certificate 82247 as approved the final order for Transfer Application T-11956, and as recorded in Special Order Volume 95, Pages 15-18 is shown in Table 2, below:

Table 2:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #
13S	15E	WM	31	NE SE	1.2	2426	Forrester	12-14
13S	15E	WM	31	SE SE	0.6	2426	Forrester	12-14
<b>Total</b>					<b>1.8</b>			

Table 2 continued:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #
14S	15E	WM	1	NW NE	3.8	100	Westwood	11-14
14S	15E	WM	1	NE NW	0.5	100	Westwood	10-14
14S	15E	WM	1	NE NW	9.6	100	Westwood	11-14
14S	15E	WM	1	SE NW	0.1	100	Westwood	11-14
14S	15E	WM	11	SE SW	1.1	3300	Paunina Inv. Corp	5-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	1-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	2-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	3-14
14S	15E	WM	24	NE SW	0.1	100	Winebarger	8-14
14S	16E	WM	30	SE NE	0.3	3510	Read	9-14
<b>Total</b>					<b>16.1</b>			

- 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-11956 was completed to the extent authorized in the transfer as described in Tables 1 and 2.


**Conclusions of Law**

- The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
- 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 and 2, above.
- The applicant has demonstrated proof of completion under T-11956 to the satisfaction of the Department.
- The Department is authorized to issue or modify certificates of water rights involved in transfer T-11956 consistent with this determination of satisfactory proof of completion.

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

Water right Certificates 82246 and 82247 are modified as shown in Tables 1 and 2, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JAN 29 2019



Dwight French, Water Right Services Administrator for  
 THOMAS M. BYLER, DIRECTOR  
 Oregon Department of Water Resources

Mailing date: JAN 30 2019