

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

In the Matter of the Completion of a Change) SUPERSEDING AND CORRECTING
in Place of Use Under Transfer Application) FINAL ORDER OF
T-11476, Deschutes and Crook Counties) DETERMINATION OF
) 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 January 2, 2013, the Department issued a final order, recorded in Special Order Volume 88, Pages 844 - 848, approving Transfer Application T-11476. The order established October 1, 2014, as the date for completion of the authorized changes in place of use.
2. On September 17, 2015, the Department received a Claim of Beneficial Use (CBU) and associated maps for Transfer Application T-11476, from the applicant.
3. On January 25, 2016, the Department issued a final order for Determination of Satisfactory Proof under transfer T-11476, which was mailed on January 29, 2016 and recorded in Special Order Volume 98, Pages 651-652. This order contains a scrivener's error in the location of the reconfigured place of use described in Finding of Fact #4 of the original order.
4. This superseding and correcting order is being issued to correct the scrivener's error in the Determination of Satisfactory Proof under transfer T-11476 as recorded in Special Order Volume 98, Pages 651-652. Corrections are noted in **bold** in Findings of Facts #6 and #8, below.
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

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.

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.

- The CBU and associated maps for a portion of this transfer illustrate a portion of the authorized place of use change was proved up on slightly differently than authorized. This change is described further in the tables below:

As authorized in the order:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
13 S	13 E	WM	34	SE SW	1.70	103	Knight

As identified in the CBU and associated maps:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
13 S	13 E	WM	34	SE SW	1.70	103	Knight

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

- Since the issuance of the final order approving Transfer Application T-11476 a portion of the transfer has changed ownership. This ownership change is described in the tables below.

As authorized in the order:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
17 S	12 E	WM	25	SE NE	1.00	104	Maddox

As identified in the CBU and associated maps:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
17 S	12 E	WM	25	SE NE	1.00	104	Gales

- The reconfigured changes in place of use as mapped and described above are determined satisfactory because the reconfiguration is **within the same tax lot**, does not enlarge the rights, and the water right holder remains the same.
- 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-11476.

Conclusions of Law

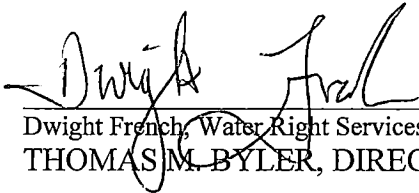
Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination the application of water to beneficial use under the terms of the final order approving a permanent district transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

- The order entered at Special Order Volume 98, Pages 651-652 is withdrawn and of no further force and effect and is superseded by this order.

2. The water has been applied to beneficial use to the extent authorized under the terms of the final order approving Transfer Application T-11476.
3. 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 on SEP 11 2018



Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

Mailing Date: SEP 12 2018