

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

In the Matter of the Completion of a)
Change of Place of Use Authorized by the)
Final Order Approving District Permanent)
Transfer T-10478, Deschutes County) **DETERMINATION OF
SATISFACTORY PROOF**

Authority

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

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

Findings of Fact

1. On April 25, 2008, the Department issued a final order, recorded in Special Order Volume 74, Pages 741 - 745, approving district permanent transfer application T-10478. The order established October 1, 2009, as the date for completion of the authorized change in place of use.
2. On September 20, 2010, the Department issued a final order approving an extension of the completion date for Transfer Application T-10478 and recorded it in Special Order Volume 81, Pages 937 – 938. This order extended the time for completion of beneficial use authorized by Transfer Application T-10478 to October 1, 2011.
3. On October 3, 2012, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10478.
5. The CBU did not contain map(s) of the point(s) 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 changes in point of diversion, the existing map(s) on file with the Department are sufficient to identify the point(s) of diversion from the source.

This is a final order in other than a 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 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.

6. The CBU and associated maps for a portion of this transfer illustrates a lot line adjustment for the place of use involved in District Notice # T-2007-014 which changes the tax lot assigned to a portion of the transfer. This change is described further in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Previous Tax Lot	Current Tax Lot	Water User	Notice #	POD #
14 S	13 E	WM	5	SE SW	0.10	500	600	PINZ STOCK RANCH INC	T-2007-014	11

7. The CBU and associated maps for portions of this transfer were proved up on differently than authorized by the final order are described further in the tables below:

As authorized in the order:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice #	POD #
14 S	13 E	WM	31	NE NE	4.00	100	JOHNSON JOHN/MARCELLA	T-2007-025	11
15 S	14 E	WM	34	SW SW	1.00	700	DOLAN	T-2007-009	1
15 S	14 E	WM	34	SE SW	0.33	700	DOLAN	T-2007-009	1
17 S	13 E	WM	34	SW SE	0.20	100	HOPPER	T-2007-022	1

As identified in the CBU and associated maps:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice #	POD #
14 S	13 E	WM	31	NE NE	4.00	100	JOHNSON JOHN/MARCELLA	T-2007-025	11
15 S	14 E	WM	34	SW SW	1.00	700	DOLAN	T-2007-009	1
15 S	14 E	WM	34	SE SW	0.33	700	DOLAN	T-2007-009	1
17 S	13 E	WM	34	SW SE	0.20	100	HOPPER	T-2007-022	1

*All reconfigured use is within the same tax lot and quarter-quarter without change in number of acres.

8. The reconfigured changes in place of use as mapped and described above are determined satisfactory because the reconfiguration does not enlarge the right and the water right holder remains the same.

9. Since the issuance of the final order approving Transfer Application T-10742 portions of the transfer has changed ownership. These ownership changes are described further in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Previous User	Current User	Notice #
14 S	13 E	WM	31	NE NE	4.00	100	JOHN/MARCELLA JOHNSON	MARCELLA JOHNSON	T-2007-025
16 S	12 E	WM	12	NE NE	0.50	109	COMBS	MCELFRESH	T-2007-014

10. 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 (see above for reconfigured place of use notation) approving Transfer Application T-10478.

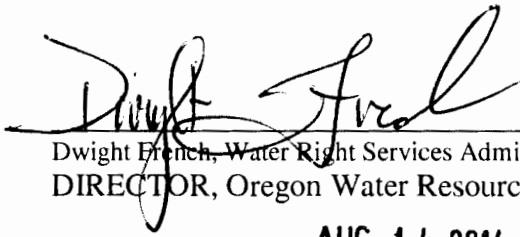
Conclusions of Law

Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a determination that 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:

1. The Department has determined that the application of water to beneficial use under the terms of the final order approving permanent district Transfer Application T-10478 was completed to the extent authorized.
2. Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 4 day of August, 2014.



Dwight French, Water Right Services Administrator for
DIRECTOR, Oregon Water Resources Department

Mailing Date: AUG 14 2014