

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

In the Matter of the Completion of a Change	)	DETERMINATION OF SATISFACTORY
in Use and Place of Use Under Transfer	)	PROOF OF COMPLETION FOR A
Application T-10267, Deschutes County	)	PERMANENT TRANSFER FOR A DISTRICT

**Authority**

Oregon Administrative Rule (OAR) 690-380-6030 describes the documentation the must be filed with the Department in order to provide proof of use.

OAR 690-380-6040 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 Statue (ORS) 540.530(2)(a) authorizes 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 transfer for an irrigation district.

**Order Issued To:**

CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW LAKE COURT  
REDMOND, OR 97756

**Findings of Fact**

1. On December 26, 2007, the Department signed a final order, which was mailed on December 27, 2007, and recorded in Special Order Volume 73, Pages 842-847, approving Transfer Application T-10267 involving Certificate 83571 (Final Order). The final order established October 1, 2009, as the date for completion of the authorized changes in use and place of use.

**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.

2. On November 19, 2009, the Department issued an amended final order which was recorded in Special Order Volume 79, Pages 227-228 (Amended Final Order). The Amended Final Order was issued to correct the authorized place of use for irrigation, and to more fully describe (include taxlots) the proposed place of use for pond maintenance. All other provisions of the Final Order remained unchanged.
3. On October 17, 2008, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10267 satisfying the requirements for providing proof of use under OAR 690-380-6030.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10267.
5. The proposed use and place of use for Certificate 83571 as approved in the Final Order and as modified by the Amended Final Order for Transfer Application T-10267 are shown in Table 1, below:

**Table 1:**

Twp	Rng	Mer	Sec	Q-Q	Taxlot	Acres/Equivalent <sup>1</sup>	Use	Point of Diversion
14 S	13 E	WM	3	SW SW	200	2.50	Pond Maintenance	POD 11
14 S	13 E	WM	10	NE NW	504	2.75		
14 S	13 E	WM	10	NW NW	503	0.25		
14 S	13 E	WM	10	NW NW	504	4.75		
14 S	13 E	WM	10	SW NW	505	2.50		
14 S	13 E	WM	10	SE NW	504	2.50		
14 S	13 E	WM	10	SE NW	505	0.25		
Total						15.50		

<sup>1</sup> Used to calculate a diversion rate equivalent to the amount of water determined by decree for irrigation.

6. The quantities of water from the Deschutes River, a tributary of the Columbia River, and the duty for pond maintenance as approved in the Final Order for Transfer Application T-10267, are shown in Table 2, below:

**Table 2:**

Priority Date	Season 1	Season 2	Season 3	Acres/Equivalent <sup>1</sup>	Duty	Point of Diversion <sup>2</sup>
10-31-1900	0.193 CFS	0.258 CFS	0.341 CFS	15.50	153.22 AF per year	POD 11
12-02-1907	--	--	0.136 CFS			

<sup>1</sup> Used to calculate a diversion rate equivalent to the amount of water determined by decree for irrigation.

<sup>2</sup> Canal Diversion, rates include 45% Transmission Loss.

7. POD 11 is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	POD #11 (COID NORTH CANAL): 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

8. The season of use described in the final order and Certificate 83571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the seasons referenced above should be described as:

Season 1: April 1 through April 30 & October 1 through October 31

Season 2: May 1 through May 14 & September 15 through September 30

Season 3: May 15 through September 14

9. 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-10267 was completed to the extent authorized in the transfer as described in Table 1.

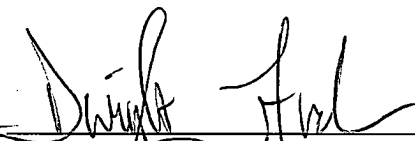
**Conclusions of Law**

1. The Applicant has submitted proof of use pursuant to OAR 690-380-6030.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 1, above.
3. The applicant has demonstrated proof of completion under T-10267 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-10267 consistent with this determination of satisfactory proof of completion.

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

1. Water right Certificates 83571 is modified as shown in Tables 1 and 2, above. The Department will issue a superseding certificate describing this right when it determines it is necessary for record keeping.

Issued this day DEC 18 2018



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

Mailing date: DEC 19 2018