

**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)	DETERMINATION OF
Final Order Approving District Permanent)	SATISFACTORY PROOF
Transfer T-10390, Deschutes and Crook)	
Counties)	LOSS OF RIGHT

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 726 - 730, approving district permanent transfer application T-10390. 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 the first of two final orders approving an extension of the completion date for Transfer Application T-10390 and recorded it in Special Order Volume 81, Pages 941 - 942. This order extended the time for completion of beneficial use authorized by Transfer Application T-10390 to October 1, 2012.
3. On November 27, 2012, the Department issued the second of two final orders approving an extension of the completion date for Transfer Application T-10390 and recorded it in Special Order Volume 88, Pages 767-768. This order extended the time for completion of beneficial use authorized by Transfer Application T-10390 to October 1, 2013.
4. On September 30, 2013, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
5. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10390.

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 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.
7. The CBU and associated maps for a portion of this transfer illustrated that portions of the transfer were proved up on differently than authorized by the final order and 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 #
18 S	13 E	WM	12	SW SW	0.25	604RD	BADLANDS RANCH	T-2007-011	1
18 S	13 E	WM	12	SW SW	0.63	615	BADLANDS RANCH	T-2007-011	1
18 S	13 E	WM	12	SW SW	0.30	611	HCF INVESTORS	T-2007-011	1
18 S	13 E	WM	12	SE SW	0.32	611	HCF INVESTORS	T-2007-011	1
Total:					1.50				

As identified in the CBU and associated maps:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice #	POD #
18 S	13 E	WM	12	SW SW	0.00	604RD	BADLANDS RANCH	T-2007-011	1
18 S	13 E	WM	12	SW SW	0.75	615	BADLANDS RANCH	T-2007-011	1
18 S	13 E	WM	12	SW SW	0.22	611	HCF INVESTORS	T-2007-011	1
18 S	13 E	WM	12	SE SW	0.44	611	HCF INVESTORS	T-2007-011	1
Total:					1.41				

8. The CBU for a portion of Transfer Application T-10390 indicates a portion of the water right was not fully perfected, is less than approved and is described in the tables below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice #	POD #
18 S	13 E	WM	12	SW SW	0.09	604RD	BADLANDS RANCH	T-2007-011	1

9. 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.
10. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed, the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the points of diversion, the portion not fully perfected would be limited as described in the table below. These rates are also the quantities by which Certificate 83571, at **POD #1 (Central Oregon Canal)**, shall be reduced upon issuance of this order

Priority Date(s)	Season 1	Season 2	Season 3	Duty (acre-feet)
	4/1 – 4/30 & 10/1 – 10/31	5/1 – 5/14 & 9/16 -9/30	5/15 – 9/15	
October 31, 1900	0.001	0.001	0.002	0.89
December 2, 1907	--	--	0.001	

11. The portion of the water right evidenced by Certificate 76714 has been forfeited for failure to fully prove up the use of stored water for supplemental irrigation on the lands described in Finding of Fact #8. The forfeited portion of the water right no longer authorizes water to be applied at the place of use described in Finding of Fact #7, but does not reduce the total quantity of water available for supplemental irrigation.

12. Since the issuance of the final order approving Transfer Application T-10390 portions of the transfer has changed ownership. These ownership change is described further in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Previous User	Current User	Notice #
14 S	14 E	WM	35	SE SE	2.00	103	FISHER, DON	FISHER FAMILY TRUST	T-2007-006
18 S	13 E	WM	12	SW SW	0.75*	615	BADLANDS RANCH INC	CABANA	T-2007-011
18 S	13 E	WM	12	SW SW	0.22*	611	BADLANDS RANCH INC	CROSS	T-2007-011
18 S	13 E	WM	12	SE SW	0.44*	611	BADLANDS RANCH INC	CROSS	T-2007-011

*See Finding of Fact #7

13. 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 Finding of Fact above for reconfigured place of use notation) approving Transfer Application T-10390.


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-10390 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