

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-12810 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

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND, OR 97701

Findings of Fact

1. On April 25, 2018, the Department signed a final order, which was mailed on April 26, 2018, and recorded in Special Order Volume 107, Pages 1142-1153, approving Transfer Application T-12810 involving Certificates 74146, 74147, 74148, 74149, 76520, 76714, and 83571. The final order established October 1, 2019, as the date for completion of the authorized changes in place of use.
2. On April 4, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12810 satisfying the requirements for providing proof of use under OAR 690-385-7400.

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 March 6, 2020, the Department issued Certificate 94956 which superseded Certificate 83571.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-12810.
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 74146 as approved the final order for Transfer Application T-12810, and as recorded in Special Order Volume 107, Pages 1142-1153, is shown in Table 1, below:

Table 1:

IRRIGATION									
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
6/1/1907	16 S	11 E	WM	35	SE SE	1.5	2002	MIRON	17.007
9/1900	17 S	11 E	WM	12	SW SW	8.8	800	COATS REVOCABLE TRUST	17.004
9/1900	17 S	11 E	WM	12	SW SW	25.4*	800	COATS REVOCABLE TRUST	17.004
9/1900	17 S	11 E	WM	14	NE NE	0.90*	11100	LUGERS / LeBLANC	17.002
Total:						36.60			

*Lands formerly under Certificate 76106

INDUSTRIAL USE								
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres-Eq	Water User	Notice
9/1900	17 S	11 E	WM	13	S½ NE¼, & SE¼	2.0	ERMK, LLC	17.003

7. The proposed place of use for Certificate 74147 as approved the final order for Transfer Application T-12810, and as recorded in Special Order Volume 107, Pages 1142-1153, is shown in Table 2, below:

Table 2:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	34	NE SW	1.0	803	DAHLEN	17.005
16 S	12 E	WM	7	NE SE	37.0	1400	HUNTSINGER	17.001
16 S	12 E	WM	8	SW SW	1.5	1705	MENDES	17.001
Total:						39.5		

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	35	SE SE	1.5	2002	MIRON	17.007
17 S	11 E	WM	12	SW SW	8.8	800	COATS REVOCABLE TRUST	17.004
Total:					10.3			

INDUSTRIAL USE							
Twp	Rng	Mer	Sec	Q-Q	Acres-Eq	Water User	Notice
17 S	11 E	WM	13	S½ NE¼, & SE¼	2.0	ERMK, LLC	17.003

SUPPLEMENTAL INDUSTRIAL USE							
Twp	Rng	Mer	Sec	Q-Q	Acres-Eq	Water User	Notice
17 S	11 E	WM	13	S½ NE¼, & SE¼	2.0	ERMK, LLC	17.003

8. The proposed place of use for Certificate 74148 as approved the final order for Transfer Application T-12810, and as recorded in Special Order Volume 107, Pages 1142-1153, is shown in Table 3, below:

Table 3:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	34	NE SW	1.0	803	DAHLEN	17.005
16 S	11 E	WM	35	SE SE	1.5	2002	MIRON	17.007
16 S	12 E	WM	7	NE SE	37.0	1400	HUNTSINGER	17.001
16 S	12 E	WM	8	SW SW	1.5	1705	MENDES	17.001
17 S	11 E	WM	12	SW SW	8.8	800	COATS REVOCABLE TRUST	17.004
17 S	11 E	WM	12	SW SW	25.4*	800	COATS REVOCABLE TRUST	17.004
17 S	11 E	WM	14	NE NE	0.9*	11100	LUGERS / LeBLANC	17.002
Total:					76.1			

*Lands formerly described under Certificate 76106

SUPPLEMENTAL INDUSTRIAL USE							
Twp	Rng	Mer	Sec	Q-Q	Acres-Eq	Water User	Notice
17 S	11 E	WM	13	S½ NE¼, & SE¼	4.0	ERMK, LLC	17.007

9. The proposed place of use for Certificate 74149 as approved the final order for Transfer Application T-12810, and as recorded in Special Order Volume 107, Pages 1142-1153, is shown in Table 4, below:

Table 4:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	34	NE SW	1.0	803	DAHLEN	17.005
16 S	11 E	WM	35	SE SE	1.5	2002	MIRON	17.007
16 S	12 E	WM	7	NE SE	37.0	1400	HUNTSINGER	17.001
16 S	12 E	WM	8	SW SW	1.5	1705	MENDES	17.001
17 S	11 E	WM	12	SW SW	8.8	800	COATS REVOCABLE TRUST	17.004
17 S	11 E	WM	12	SW SW	25.4	800	COATS REVOCABLE TRUST	17.004
17 S	11 E	WM	14	NE NE	0.9	11100	LUGERS / LeBLANC	17.002
Total:					76.1			

SUPPLEMENTAL INDUSTRIAL USE								
Twp	Rng	Mer	Sec	Q-Q	Acres-Eq	Water User		Notice
17 S	11 E	WM	13	S½ NE¼, & SE¼	4.0	ERMK, LLC		17.007

10. The proposed place of use for Certificate 76520 as approved the final order for Transfer Application T-12810, and as recorded in Special Order Volume 107, Pages 1142-1153, is shown in Table 5, below:

Table 5:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	34	NE SW	1.0	803	DAHLEN	17.005
16 S	11 E	WM	35	SE SE	1.5	2002	MIRON	17.007
16 S	12 E	WM	7	NE SE	37.0	1400	HUNTSINGER	17.001
16 S	12 E	WM	8	SW SW	1.5	1705	MENDES	17.001
17 S	11 E	WM	12	SW SW	8.8	800	COATS REVOCABLE TRUST	17.004
17 S	11 E	WM	12	SW SW	25.4	800	COATS REVOCABLE TRUST	17.004
17 S	11 E	WM	14	NE NE	0.9	11100	LUGERS / LeBLANC	17.002
Total:					76.1			

11. The proposed place of use primary irrigation under Certificate 94956 and supplemental irrigation under Certificate 76714 as approved the final order for Transfer Application T-12810, and as recorded in Special Order Volume 107, Pages 1142-1153, is shown in Table 6, below:

Table 6:

PRIMARY and SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	35	SE SE	3.0	2002	MIRON	17.007

12. 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-12810 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, 5, and 6.

Conclusions of Law

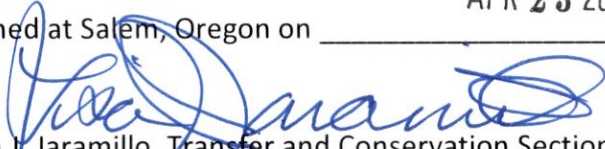
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, 2, 3, 4, 5, and 6, above.
3. The applicant has demonstrated proof of completion under T-12810 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12810 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 74146, 74147, 74148, 74149, 76520, 76714, and 94956 are modified as shown in Tables 1, 2, 3, 4, 5, and 6, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

APR 23 2020

Signed at Salem, Oregon on _____.


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: APR 24 2020