

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-12251, Deschutes 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

ARNOLD IRRIGATION DISTRICT
19604 BUCK CANYON ROAD
BEND, OR 97702

Findings of Fact

1. On February 22, 2016, the Department signed a final order, which was mailed on February 29, 2016, and recorded in Special Order Volume 98, Pages 817-820, approving Transfer Application T-12251 involving Certificates 74197 and 76714. The final order established October 1, 2017, as the date for completion of the authorized changes in place of use.
2. On February 25, 2020, the Department signed a superseding correcting final order, which was mailed on February 26, 2020, and recorded in Special Order Volume 116, Pages 184-187, approving Transfer Application T-12251 involving Certificates 74197 and 76714. This order was issued to remove OFF lands from the transfer that were not authorized for transfer.

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 January 22, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12251 satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-12251.
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 74197 (primary irrigation) and Certificate 76714 (supplemental irrigation) as approved the superseding correcting final order for Transfer Application T-12251, and as recorded in Special Order Volume 116, Pages 184-187 is shown in Table 1, below:

Table 1:

PRIMARY AND SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	12E	WM	12	NE SE	300	7.50	Crye	T-2015-003-N
18S	12E	WM	12	SE SE	300	1.03	Crye	T-2015-003-N
18S	12E	WM	21	SW NE	200	0.08	Burnette	T-2015-004-N
18S	12E	WM	21	NW SE	200	2.72	Burnette	T-2015-004-N
18S	12E	WM	24	SW SE	2300	0.50	Wininger	T-2015-002-N
18S	12E	WM	25	SW NW	604	0.31	Kowalski	T-2015-001-N
18S	12E	WM	27	NE NW	200	1.49	Pape Properties, Inc	T-2015-005-N
18S	12E	WM	27	SE NW	200	3.59	Pape Properties, Inc	T-2015-005-N
Total:						17.22		

7. 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-12251 was completed to the extent authorized in the transfer as described in Table 1.

Conclusions of Law

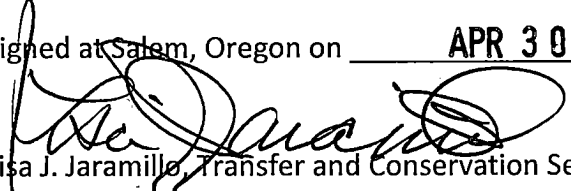
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 1, above.
3. The applicant has demonstrated proof of completion under T-12251 to the satisfaction of the Department.

4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12251 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 74197 and 76714 are modified as shown in Table 1, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on APR 30 2020


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

Mailing Date: MAY 01 2020