

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

In the Matter of the Completion of a Change    )  
in Place of Use Under Transfer Application    )  
T-11288, Deschutes County                    ) **DETERMINATION OF  
SATISFACTORY PROOF**

**Authority**

ORS 540.530 and OAR 690-385-7600 describe the process for the Water Resources Department to issue or modify a water right certificate upon determination that an applicant has made satisfactory proof of the completion of the changes.

**Applicant**

ARNOLD IRRIGATION DISTRICT  
PO BOX 9220  
BEND, OR 97708

**Findings of Fact**

1. On October 21, 2011, the Department signed a final order, which was mailed on October 24, 2011, and recorded in Special Order Volume 85, Pages 575-578, approving Transfer Application T-11288. The final order established October 1, 2013, as the date for completion of the authorized changes in place of use.
2. An extension of time was requested and approved on September 13, 2013. The final order was recorded in Special Order Volume 91, pages 329-330. The order set an extended completion date of October 1, 2014.
3. On December 31, 2015, 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-11288.
5. On November 18, 2016, the Department received an amendment to the December 31, 2015 CBU by email, clarifying that the maps and site reports for T-11288 pertain to both primary irrigation (Certificate 74197) and supplemental irrigation (Certificate 76714).
6. 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

**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.

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.

7. During review of the CBU, a scrivener's error in Findings of Fact #3 and #6 was identified within the final order dated October 21, 2011. The final order incorrectly identified the location as:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot #	Acres	Water User
18 S	13 E	WM	17	SE NE	300	2.0	DEFOE/DREW CREEK LLC

The corrected location (in bold) is as follows:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot #	Acres	Water User
18 S	13 E	WM	17	<b>SW NE</b>	300	2.0	DEFOE/DREW CREEK LLC

8. Since the issuance of the final order approving Transfer Application T-11288 there have been changes in ownership of some of the parcels affected by the transfer. The table below illustrates these changes.

Twp	Rng	Mer	Sec	Q-Q	Former Water User	Current Water User	Notice #
18S	12E	WM	12	SW NE	COOPER	GILBERT	T-2010-006-N
18S	12E	WM	13	SW SE	QUAGLIATA	BEEGER	T-2010-004-N
18S	12E	WM	26	NE NE	PHIPPS	ANDERSON	T-2010-003-N
18S	12E	WM	26	NW NE	PHIPPS	ANDERSON	T-2010-003-N
18S	12E	WM	26	SE NE	PHIPPS	ANDERSON	T-2010-003-N
18S	13E	WM	17	SW NE	DEFOE/DREW CREEK LLC	JOHNSTON	T-2010-007-N

9. Portions of the transfer for Certificate 74197 and 76714 were developed differently than authorized in the final order.

As authorized in the final order:

IRRIGATION AND SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
18 S	12 E	WM	13	SW SE	2.0	1301	Beeger
18 S	12 E	WM	25	NE NW	0.4	901	Losey

As identified in the CBU and associated maps:

IRRIGATION AND SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
18 S	12 E	WM	13	SW SE	2.0	1301	Beeger
18 S	12 E	WM	25	NE NW	0.4	901	Losey

\*This reconfigured use is within the same tax lot and quarter-quarter.

10. The reconfigured change in place of use as documented in the CBU and associated map is determined satisfactory because the reconfigured, completed use is under the same water right holder, does not enlarge the right and affects the same number of irrigated acres.
11. 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 approving Transfer Application T-11288.

## Conclusions of Law

Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination 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 water has been applied to beneficial use to the extent authorized under the terms of the final order approving Transfer Application T-11288.
2. Water right certificates 74197 and 76714 are modified. The Department shall issue water right certificates on a determination that it is necessary to produce certificates describing the water rights.

Issued this 23 day of November, 2016.

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

Mailing date: NOV 30 2016