

**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-11199, 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 March 22, 2011, the Department signed a final order, which was mailed on March 24, 2011, and recorded in Special Order Volume 83, Pages 863-865, approving Transfer Application T-11199. The final order established October 1, 2012, as the date for completion of the authorized changes in place of use.
2. An extension of time was requested and approved on March 5, 2014. The final order was recorded in Special Order Volume 91, pages 923-924. The final order set an extended completion date of October 1, 2015.
3. On December 31, 2015, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
4. 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-11199 pertain to both primary irrigation (Certificate 74197) and supplemental irrigation (Certificate 76714).
5. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11199.
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. Portions of the transfer for Certificates 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
18 S	12 E	WM	22	SW SE	1.31	3400
18 S	12 E	WM	22	SW SE	3.94	3500
18 S	12 E	WM	22	SW SE	1.43	3600
18 S	12 E	WM	22	SW SE	0.00	3701
18 S	12 E	WM	22	SE SW	0.00	3800
18 S	12 E	WM	27	NW NE	13.44	200
18 S	12 E	WM	27	SW NE	0.98	200
18 S	12 E	WM	27	NE NW	3.95	200
18 S	12 E	WM	27	SE NW	8.35	200
Total:					33.4	

As documented on the CBU and associated maps

Irrigation and Supplemental Irrigation						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
18 S	12 E	WM	22	SW SE	2.5	3400
18 S	12 E	WM	22	SW SE	4.4	3500
18 S	12 E	WM	22	SW SE	4.6	3600
18 S	12 E	WM	22	SW SE	3.61	3701
18 S	12 E	WM	22	SE SW	1.83	3800
18 S	12 E	WM	27	NW NE	5.06	200
18 S	12 E	WM	27	SW NE	0.0	200
18 S	12 E	WM	27	NE NW	11.4	200
18 S	12 E	WM	27	SE NW	0.0	200
Total:					33.4	

8. 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.
9. 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-11199.

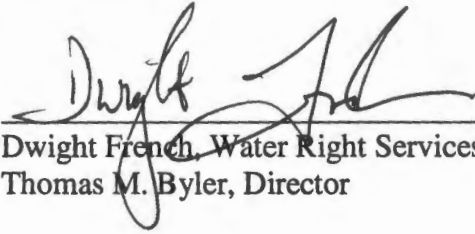
Conclusions of Law

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-11199.
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