

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-11504 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 March 21, 2013, the Department signed a final order, which was mailed on April 3, 2013, and recorded in Special Order Volume 89, Pages 182-187, approving Transfer Application T-11504 involving Certificates 74146<sup>1</sup>, 74147, 74148, 74149 and 76520. The final order established October 1, 2014, as the date for completion of the authorized changes in place of use.

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<sup>1</sup> Lands for primary irrigation under Certificate 74146 as a result of CW-9 were referenced as "Certificate 76106" in this final order for T-11504.

**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.

2. On September 20, 2019, the Department signed a correcting superseding final order, which was mailed on September 23, 2019, and recorded in Special Order Volume 113, Pages 1239-1247, to correct omissions of supplemental irrigation rights and errors in the final order recorded in Special Order Volume 89, Pages 182-187.
3. On May 4, 2015, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11504 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-11504.
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-11504, and as recorded in Special Order Volume 113, Pages 1239-1247 is shown in Table 1, below:

Table 1:

IRRIGATION									
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
1907	17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
1900	16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
1900	16S	11E	WM	22	NW SE	2.50*	1700	Kruskamp	12.002
1900	16S	12E	WM	17	NE NE	0.50*	101	Stout	12.001
1900	17S	11E	WM	11	SE SE	1.35*	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>						<b>10.85</b>			

\*Lands for primary irrigation formerly under Certificate 76106

7. The proposed place of use for Certificate 74147 as approved the final order for Transfer Application T-11504, and as recorded in Special Order Volume 113, Pages 1239-1247 is shown in Table 2, below:

Table 2:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>6.50</b>			

8. The proposed place of use for Certificate 74148 as approved the final order for Transfer Application T-11504, and as recorded in Special Order Volume 113, Pages 1239-1247 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	22	NW SE	2.50*	1700	Kruskamp	12.002
16S	12E	WM	17	NE NE	0.50*	101	Stout	12.001
16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
17S	11E	WM	11	SE SE	1.35*	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>10.85</b>			

\*Lands for supplemental irrigation formerly described under Certificate 76106

9. The proposed place of use for Certificate 74149 as approved the final order for Transfer Application T-11504, and as recorded in Special Order Volume 113, Pages 1239-1247 is shown in Table 4, below:

Table 4:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	22	NW SE	2.50	1700	Kruskamp	12.002
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>10.85</b>			

10. The proposed place of use for Certificate 76520 as approved the final order for Transfer Application T-11504, and as recorded in Special Order Volume 113, Pages 1239-1247 is shown in Table 5, below:

Table 5:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16S	11E	WM	22	NW SE	2.50	1700	Kruskamp	12.002
16S	12E	WM	17	NE NE	0.50	101	Stout	12.001
16S	11E	WM	24	SE SW	2.50	3001	Turner	12.004
17S	11E	WM	11	SE SE	4.00	1800	Horsman Revocable Trusts	12.003
17S	11E	WM	11	SE SE	1.35	1800	Horsman Revocable Trusts	12.003
<b>Total:</b>					<b>10.85</b>			

11. 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-11504 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, and 5.

## 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, and 5, above.
3. The applicant has demonstrated proof of completion under T-11504 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11504 consistent with this determination of satisfactory proof of completion.

### Now, therefore, it is ORDERED:

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

Signed at Salem, Oregon on DEC 09 2019.

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

Mailing Date: DEC 10 2019