

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-13329 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 February 11, 2020, the Department signed a final order, which was mailed on February 12, 2020, and recorded in Special Order Volume 116, Pages 91-98, approving Transfer Application T-13329 involving Certificates 74146, 74147, 74148, 74149 and 76520. The final order established October 1, 2021, as the date for completion of the authorized changes in place of use.
2. On September 22, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13329 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. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-13329.
4. 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.
5. The proposed place of use for Certificate 74146 as approved the final order for Transfer Application T-13329, and as recorded in Special Order Volume 116, Pages 91-98 is shown in Table 1, below:

Table 1:

IRRIGATION									
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
9/1/1900	16 S	11 E	WM	13	SE NE	1.6	900	SWENSON	19.004
9/1/1900	16 S	11 E	WM	13	NE SE	1.0	901	JOHNSTON	19.001
9/1/1900	16 S	11 E	WM	13	NW SE	1.4	901	JOHNSTON	19.001
9/1/1900	16 S	12 E	WM	8	NW SW	1.0	1707	GENTRY / DUTHIE	19.003
<b>Total:</b>						<b>5.0</b>			

6. The proposed place of use for Certificate 74147 as approved the final order for Transfer Application T-13329, and as recorded in Special Order Volume 116, Pages 91-98 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	26	SW SW	<b>2.0*</b>	400	OTS WIRE & INSULATION INC	19.006	
16 S	11 E	WM	34	NE NE	1.0	101	PARKER / WARNER	19.002	
16 S	12 E	WM	8	NE SW	1.0	1500	STAVAR	19.007	
16 S	12 E	WM	8	SE SW	3.0	1500	STAVAR	19.007	
<b>Total:</b>					<b>7.0</b>				

\* Beneficial use of water was made on the same number of acres listed in bold as authorized in the order, but the configuration of the place of use is slightly different.

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
16 S	11 E	WM	13	SE NE	1.6	900	SWENSON	19.004	
16 S	11 E	WM	13	NE SE	1.0	901	JOHNSTON	19.001	
16 S	11 E	WM	13	NW SE	1.4	901	JOHNSTON	19.001	
16 S	12 E	WM	8	NW SW	1.0	1707	GENTRY / DUTHIE	19.003	
<b>Total:</b>					<b>5.0</b>				

7. The reconfigured change in place of use as documented in the CBU and associated map is determined satisfactory because the reconfigured, completed uses is under the same water right holder, and within the same tax lot and quarter-quarter, does not enlarge the rights and affects the same number of irrigated acres.
8. The proposed place of use for Certificate 74148 as approved the final order for Transfer Application T-13329, and as recorded in Special Order Volume 116, Pages 91-98 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	13	SE NE	1.6	900	SWENSON	19.004
16 S	11 E	WM	13	NE SE	1.0	901	JOHNSTON	19.001
16 S	11 E	WM	13	NW SE	1.4	901	JOHNSTON	19.001
16 S	11 E	WM	26	SW SW	2.0	400	OTS WIRE & INSULATION INC	19.006
16 S	11 E	WM	34	NE NE	1.0	101	PARKER / WARNER	19.002
16 S	12 E	WM	8	NE SW	1.0	1500	STAVAR	19.007
16 S	12 E	WM	8	NW SW	1.0	1707	GENTRY / DUTHIE	19.003
16 S	12 E	WM	8	SE SW	3.0	1500	STAVAR	19.007
<b>Total:</b>					<b>12.0</b>			

9. The proposed place of use for Certificate 74149 as approved the final order for Transfer Application T-13329, and as recorded in Special Order Volume 116, Pages 91-98 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	13	SE NE	1.6	900	SWENSON	19.004
16 S	11 E	WM	13	NE SE	1.0	901	JOHNSTON	19.001
16 S	11 E	WM	13	NW SE	1.4	901	JOHNSTON	19.001
16 S	11 E	WM	26	SW SW	2.0	400	OTS WIRE & INSULATION INC	19.006
16 S	11 E	WM	34	NE NE	1.0	101	PARKER / WARNER	19.002
16 S	12 E	WM	8	NE SW	1.0	1500	STAVAR	19.007
16 S	12 E	WM	8	NW SW	1.0	1707	GENTRY / DUTHIE	19.003
16 S	12 E	WM	8	SE SW	3.0	1500	STAVAR	19.007
<b>Total:</b>					<b>12.0</b>			

10. The proposed place of use for Certificate 76520 as approved the final order for Transfer Application T-13329, and as recorded in Special Order Volume 116, Pages 91-98 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	13	SE NE	1.6	900	SWENSON	19.004

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	13	NE SE	1.0	901	JOHNSTON	19.001
16 S	11 E	WM	13	NW SE	1.4	901	JOHNSTON	19.001
16 S	11 E	WM	26	SW SW	2.0	400	OTS WIRE & INSULATION INC	19.006
16 S	11 E	WM	34	NE NE	1.0	101	PARKER / WARNER	19.002
16 S	12 E	WM	8	NE SW	1.0	1500	STAVER	19.007
16 S	12 E	WM	8	NW SW	1.0	1707	GENTRY / DUTHIE	19.003
16 S	12 E	WM	8	SE SW	3.0	1500	STAVER	19.007
<b>Total:</b>					<b>12.0</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-13329 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, and 5.

**Conclusions of Law**

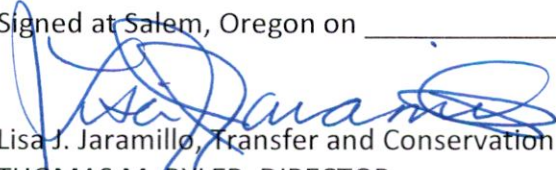
1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, 2, 3, 4, and 5, above.
3. The applicant has demonstrated proof of completion under T-13329 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-13329 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.

OCT 13 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: OCT 14 2020