

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

In the Matter of the Completion of a Change)
in Points of Diversion and Place of Use)
Under Transfer Application T-9836,)
Deschutes County) DETERMINATION OF SATISFACTORY
PROOF OF COMPLETION FOR A
PERMANENT TRANSFER FOR A DISTRICT

Authority

Oregon Administrative Rule (OAR) 690-380-6030 describes the documentation that must be filed with the Department in order to provide proof of use.

OAR 690-380-6040 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) authorizes 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 transfer for an irrigation district.

Order Issued To:

CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND, OR 97756

Findings of Fact

1. On November 30, 2010, the Department signed a final order, which was mailed on December 2, 2010, and recorded in Special Order Volume 83, Pages 136-146, approving Transfer Application T-9836 involving Certificates 83571 and 76714. The final order established October 1, 2012, as the date for completion of the authorized change in points of diversion and place of use.
2. On October 4, 2013, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-9836 satisfying the requirements for providing proof of use under OAR 690-380-6030.

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-9836.
4. The proposed place of use and point of diversion from the Deschutes River (primary irrigation and quasi-municipal use) and Crane Prairie Reservoir (supplemental irrigation and quasi-municipal use) for Certificates 83571 and 76714, respectively, as approved in the final order for Transfer Application T-9836, and as recorded in Special Order Volume 83, Pages 136-146 are shown in Tables 1 and 2, below:

Table 1:

PRIMARY AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Point of Diversion
17 S	12 E	WM	20	NE SW	0.53	POD 10
17 S	12 E	WM	20	NW SW	0.22	POD 10
17 S	12 E	WM	20	SW SW	0.17	POD 10
17 S	12 E	WM	20	SE SW	0.77	POD 10
17 S	12 E	WM	20	SW SE	0.89	POD 10
17 S	12 E	WM	29	NE NE	2.34	POD 10
17 S	12 E	WM	29	NW NE	2.01	POD 10
17 S	12 E	WM	29	SW NE	0.11	POD 10
17 S	12 E	WM	29	SE NE	0.09	POD 10
17 S	12 E	WM	29	NE NW	4.20	POD 10
17 S	12 E	WM	29	NW NW	0.05	POD 10
17 S	12 E	WM	29	SW NW	0.33	POD 10
17 S	12 E	WM	29	SE NW	1.29	POD 10
Total acres:					13.00	

Table 2:

QUASI-MUNICIPAL Transfer of of 4.0 Acre/Equivalent ¹					
Twp	Rng	Mer	Sec	Q-Q	Point of Diversion
17 S	12 E	WM	20	NE SW	POD 10
17 S	12 E	WM	20	NW SW	POD 10
17 S	12 E	WM	20	SW SW	POD 10
17 S	12 E	WM	20	SE SW	POD 10
17 S	12 E	WM	20	SW SE	POD 10
17 S	12 E	WM	29	NE NE	POD 10
17 S	12 E	WM	29	NW NE	POD 10
17 S	12 E	WM	29	SW NE	POD 10
17 S	12 E	WM	29	SE NE	POD 10
17 S	12 E	WM	29	NE NW	POD 10
17 S	12 E	WM	29	NW NW	POD 10
17 S	12 E	WM	29	SW NW	POD 10
17 S	12 E	WM	29	SE NW	POD 10

¹ Used to calculate a diversion rate equivalent to the amount of water determined by decree for irrigation.

5. The quantities of water and duty from POD 10 as approved in the final order for Transfer Application T-9836, and as recorded in Special Order Volume 83, Pages 136-146 are shown in Tables 1 and 2, below:

Table 3:

PRIMARY AND SUPPLEMENTAL IRRIGATION					
Priority Dates October 31, 1900 (C.83571) and February 28, 1913 (C.76714)					
Season 1	Season 2	Season 3	Total Acres	Duty	Point of Diversion ²
0.028 CFS	0.037 CFS	0.069 CFS	4.05	22.07 AF per year	POD 10
The quantity of water diverted at the new point of diversion (POD 10), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 11).					
QUASI-MUNICIPAL					
Priority Dates October 31, 1900 (C.83571) and February 28, 1913 (C.76714)					
Season 1	Season 2	Season 3	Total Acres/Equivalent ¹	Duty	Point of Diversion ²
0.028 CFS	0.037 CFS	0.068 CFS	4.0	21.80 AF per year	POD 10
The quantity of water diverted at the new point of diversion (POD 10), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).					

¹ Used to calculate a diversion rate equivalent to the amount of water determined by decree for irrigation.

² Direct diversion; does not include 45% transmission loss.

6. The locations of the points of diversion referenced above are as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
18S	11E	WM	13	SW NE	POD 1 (CENTRAL OREGON CANAL): 1520 FEET SOUTH AND 1535 FEET WEST OF THE NE CORNER OF SECTION 13.
17 S	12 E	WM	29	SW NE	POD 10 (RIVERS EDGE GOLF CLUB): 1980 FEET SOUTH AND 1160 FEET EAST FROM THE N1/4 CORNER OF SECTION 29
17 S	12 E	WM	29	SE NE	POD 11 (COID NORTH CANAL): 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

7. The season of use described in the final order and Certificate 83571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12; Page 282), the seasons referenced above should be described as:

Season 1: April 1 through April 30 & October 1 through October 31

Season 2: May 1 through May 14 & September 15 through September 30

Season 3: May 15 through September 14

8. 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-9836 was completed to the extent authorized in the transfer as described in Tables 1 and 2.

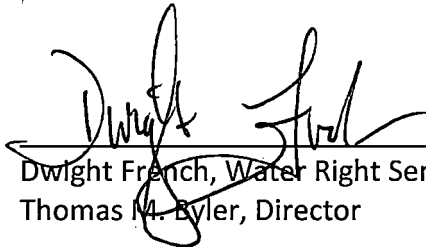
Conclusions of Law

1. The Applicant has submitted proof of use pursuant to OAR 690-380-6030.
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, and 3, above.
3. The applicant has demonstrated proof of completion under T-9836 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-9836 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 83571 and 76714 are modified as shown in Tables 1, 2 and 3, above. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Issued this day DEC 18 2018



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

Mailing date: DEC 19 2018