

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

In the Matter of the Completion of a Change) DETERMINATION OF SATISFACTORY PROOF
in Place of Use Under Transfer Application) OF COMPLETION FOR A PERMANENT
T-13342, Deschutes County) 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

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

Findings of Fact

1. On May 5, 2020, the Department signed a final order, which was mailed on May 6, 2020, and recorded in Special Order Volume 116, Pages 668-673, approving Transfer Application T-13342 involving Certificates 83571 and 76714. The final order established October 1, 2021, as the date for completion of the authorized changes in place of use.
2. On September 22, 2021, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13342 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 map(s) submitted by the applicant for Transfer Application T-13342.
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 Certificates 94956 for primary irrigation and 76714 for supplemental irrigation as approved the final order for Transfer Application T-13342, and as recorded in Special Order Volume 116, Pages 668-673 is shown in Table 1, below:

Table 1:

| PRIMARY and SUPPLEMENTAL IRRIGATION | | | | | | | | | |
|-------------------------------------|------|-----|-----|-------|--------------------|---------|-------------------------|----------|-----|
| Twp | Rng | Mer | Sec | Q-Q | Acres ¹ | Tax Lot | Water User ² | Notice | POD |
| 14 S | 13 E | WM | 22 | NW NW | 0.38 | 600 | PFAU/WHITCOMB | 2019-020 | 11 |
| 14 S | 13 E | WM | 22 | NE SW | 2.48 | 200 | SCHROEDER | 2019-018 | 11 |
| 15 S | 12 E | WM | 12 | SE NW | 0.50 | 600 | SPRINGER | 2019-015 | 11 |
| 15 S | 12 E | WM | 13 | SW SE | 1.50 | 1403 | DURHAM | 2019-012 | 11 |
| 15 S | 14 E | WM | 13 | NW NW | 3.00 | 200 | VEELLE | 2019-022 | 1 |
| 15 S | 14 E | WM | 25 | NE SW | 0.90 | 300 | GAYNOR | 2019-013 | 1 |
| 15 S | 14 E | WM | 25 | NW SW | 0.10 | 300 | GAYNOR | 2019-013 | 1 |
| 15 S | 15 E | WM | 5 | NW SW | 0.93 | 200 | GOODMAN | 2019-019 | 1 |
| 15 S | 15 E | WM | 5 | SW SW | 3.40 | 200 | GOODMAN | 2019-019 | 1 |
| 16 S | 12 E | WM | 12 | NE NE | 0.20 | 109 | UHRICH | 2019-027 | 11 |
| 16 S | 14 E | WM | 9 | NW NW | 0.50 | 401 | FARRINGTON | 2019-025 | 1 |
| 17 S | 12 E | WM | 13 | SE SW | 0.50 | 200 | UMBARGER | 2019-030 | 1 |
| 17 S | 12 E | WM | 14 | SE SW | 1.72 | 800 | LYNCH | 2019-032 | 1 |
| 17 S | 13 E | WM | 22 | NW NW | 0.80 | 300 | SMALLENBERG | 2019-028 | 1 |
| 17 S | 13 E | WM | 30 | SW SW | 0.12 | 1000 | DAVIS | 2019-021 | 1 |
| 17 S | 13 E | WM | 32 | SW NW | 2.88 | 700 | FREEMAN / OLSON | 2019-029 | 1 |
| 17 S | 13 E | WM | 34 | SW SE | 0.19 | 101 | FIELDS | 2019-026 | 1 |
| 17 S | 14 E | WM | 27 | NE SE | 0.08 | 100 | BLOOM | 2019-024 | 1 |
| 18 S | 13 E | WM | 12 | SE NW | 3.02 | 501 | TAFT / NUGARIS | 2019-014 | 1 |
| Total: | | | | | 23.20 | | | | |

¹ Acres listed in **bold** represent reconfigured places of use within the same tax lot and quarter-quarter..

² Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

6. The reconfigured changes in place of use as documented in the CBU and associated maps are determined satisfactory because the reconfigured, completed uses are under the same water right holders, do not enlarge the rights and affect the same number of irrigated acres.
7. 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-13342 was completed to the extent authorized in the transfer as described in Table 1.

