

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

In the Matter of the Completion of a Change)
in Change in Point of Diversion, Use, and) DETERMINATION OF SATISFACTORY
Place of Use Under Transfer Applications) PROOF OF COMPLETION FOR A
T-7574, T-9283, T-9769, Deschutes County) 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 May 3, 2005, the Department signed a final order, which was mailed on May 13, 2005, and recorded in Special Order Volume 64, Pages 265-274, approving Transfer Applications T-7574, T-9283 and T-9769 involving Certificates 76358 and 76714. The final order established October 1, 2006, as the date for completion of the authorized change of point of diversion, use, and place of use.

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 26, 2007, the Department issued Certificate 83571 in the name of Central Oregon Irrigation District, which in part, superseded Certificate 76358. Certificate 83571 includes a description of the inchoate water rights reflected by Transfers T-7574, T-9283, and T-9769.
3. On October 10, 2007, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Applications T-7574, T-9283 and T-9769 satisfying the requirements for providing proof of use under OAR 690-380-6030.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Applications T-7574, T-9283 and T-9769.
5. The proposed point of diversion, use, and place of use for Certificates 83571 (formerly 76358) and 76714 as approved in the final order for Transfer Applications T-7574, T-9283 and T-9769, and as recorded in Special Order Volume 64, Pages 265-274 are shown in Table 1, below:

Table 1:

Twp	Rng	Mer	Sec	Q-Q	Use	Point of Diversion
17 S	12 E	WM	32	SW SW	Quasi-Municipal	POD 13
17 S	12 E	WM	32	SE SW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NE NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SW NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SE NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NE NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SW NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SE NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NE SW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW SW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SE SW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW SE	Quasi-Municipal	POD 13
18 S	12 E	WM	6	NE NE	Quasi-Municipal	POD 13
18 S	12 E	WM	6	NE SE	Quasi-Municipal	POD 13
18 S	12 E	WM	6	NW SE	Quasi-Municipal	POD 13
18 S	12 E	WM	6	SW SE	Quasi-Municipal	POD 13

6. The maximum quantities of water from the Deschutes River (live flow), a tributary of the Columbia River, and Crane Prairie Reservoir (stored water) and the duty for quasi-municipal use as approved in the final order for Transfer Applications T-7574, T-9283 and T-9769, and as recorded in Special Order Volume 64, Pages 265-274 are shown in Table 2, below:

Table 2:

QUASI-MUNICIPAL – CERTIFICATE 83571 ¹							
Source	Priority Date	Season 1	Season 2	Season 3	Acres/Equivalent ²	Duty	Point of Diversion ³
Deschutes River	10-31-1900	0.31 CFS	0.41 CFS	0.54 CFS	44.37	170 AF per year	POD 13
	12-02-1907	--	--	0.21 CFS			
QUASI-MUNICIPAL – CERTIFICATE 76714 ¹							
Source	Priority Date	Season 1	Season 2	Season 3	Acres/Equivalent ²	Duty	Point of Diversion ³
Crane Prairie Reservoir	02-28-1913	0.31 CFS	0.41 CFS	0.75 CFS	44.37	170 AF per year	POD 13 & Crane Prairie Reservoir Dam
<ul style="list-style-type: none"> The quantity of water diverted at the new point of diversion (POD 13), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 2 and POD 11). Water shall not be diverted for the allowed use whenever flows in the Deschutes River at the point of diversion drop below 660 CFS during the period from April 1-November 1 outside of the operational season of Central Oregon Irrigation District, when water is not being delivered by the District. 							

¹ The rates and duty for the 44.37 Acres/Equivalent are not additive for Certificates 83571 and 76714. The combined use of water from live flow (Certificate 83571) and stored water (Certificate 76714) may not exceed the rate and duty allowed under a single source.

² Used to calculate a diversion rate equivalent to the amount of water determined by decree for irrigation.

³ Direct diversion; rates do not include 45% transmission loss.

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

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
18 S	12 E	WM	05	SE NW	POD 2 (SMITH PROPERTIES): LOT 4 - 440 FEET SOUTH AND 970 FEET EAST FROM THE NW CORNER OF SECTION 5
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
18 S	12 E	WM	05	SE NW	POD 13 (RIVERBEND LIMITED PARTNERSHIP): SOUTH 65 DEGREES, 46 MINUTES, 27 SECONDS, WEST 3621.45 FEET FROM THE NE CORNER OF SECTION 5
21 S	08 E	WM	17	NE NE	Crane Prairie Reservoir Dam

8. 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

9. Based on information in the CBU and on the final proof map, beneficial use under T-7574, T-9283 and T-9769 has been demonstrated for point of diversion, use, and place of use for Certificate 83571 as shown in Table 3, below:

Table 3:

Twp	Rng	Mer	Sec	Q-Q	Use	Point of Diversion
18 S	12 E	WM	5	NE NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SW NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SE NE	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NE NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SW NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SE NW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NE SW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW SW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	SE SW	Quasi-Municipal	POD 13
18 S	12 E	WM	5	NW SE	Quasi-Municipal	POD 13

10. Based on the review of evidence submitted by the applicant, the Department finds the application of water to a beneficial use under the terms of the transfer final order for T-7574, T-9283 and T-9769 was completed on fewer quarter-quarters than authorized in the transfers. The Department finds that beneficial use was made at the place of use to the extent shown in Table 3, above.

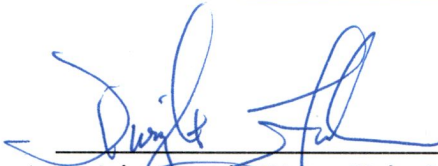
Conclusions of Law

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 2 and 3, above.
3. The applicant has demonstrated proof of completion under T-7574, T-9283 and T-9769 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-7574, T-9283 and T-9769 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 2 and 3, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Issued this day MAR 15 2019



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

Mailing date: MAR 18 2019