

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

In the Matter of the Completion of a)
 Change of Place of Use Authorized by the) DETERMINATION OF
 Final Order Approving District Permanent) SATISFACTORY PROOF
 Transfer T-10759)

Authority

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Tumalo Irrigation District
 64697 Cook Ave.
 Bend, OR 97701

Findings of Fact

1. On March 17, 2009, the Department issued a final order, recorded in Special Order Volume 77, Pages 372 - 383, approving district permanent transfer application T-10759. The order established October 1, 2011, as the date for completion of the authorized change in place of use.
2. On September 24, 2009, the Department received a claim of beneficial use for T-10759.
3. The Department reviewed the claim of beneficial use and final proof maps submitted by the applicant for district permanent transfer T-10759.
4. The claim of beneficial use did not contain map(s) of the point(s) of diversion from the source. However, since these changes are for place of use only within an irrigation district, and do not involve changes in point of diversion, the existing map(s) on file with the Department are sufficient to identify the point(s) of diversion from the source.
5. During the claim review process a scrivener's error was noted on the Final Order approving Transfer Application T-10759. The order erroneously identified the certificate affected by the change described in Notice 08-008 as further described below:

Certificate 74146								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
16 S	12 E	WM	18	SW SW	2.10	1102	BECK	08.008
16 S	12 E	WM	18	SE SW	3.30	1102	BECK	08.008
Total:					5.40			

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or 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.

6. The order approving Transfer Application T-10759 should have reflected that both primary irrigation rights (Certificates 74146 and 74147) would be affected as further described in the table below:

Priority Date	Certificate	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
06/01/1907	74146	16 S	12 E	WM	18	SW SW	3.30	1102	BECK	08.008
10/29/1913	74147	16 S	12 E	WM	18	SE SW	2.10	1102	BECK	08.008

7. Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order approving Transfer Application T-10759 as well as the correction noted above.

Conclusions of Law

Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a determination that the application of water to beneficial use under the terms of the final order approving a permanent district transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

The Department has determined that the application of water to beneficial use under the terms of the final order approving district permanent transfer T-10759 was completed to the extent authorized.

Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 12 day of October, 2010.



 Dwight French for
 PHILLIP C. WARD, DIRECTOR

Mailing Date: OCT 13 2010