

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-12548 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 March 30, 2017, the Department approved Transfer Application T-12548 for under water right Certificates 74146, 74147, 74148, 74149, and 76520. This final order is recorded in Special Order Volume 104 at Pages 272-280. The final order established October 1, 2018, as the date for completion of the authorized changes in place of use.
2. On April 17, 2017, the Department signed a correcting final order which was mailed on April 26, 2017, to supersede the original final order described in Finding of Fact #1, above. The correcting order is recorded at Special Order Volume 104, Pages 648-656. It was issued to correct the scrivener's errors in the original final order.

**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. On November 30, 2017, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12548 satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-12548.
5. 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.
6. The proposed place of use for Certificate 74146 as approved the final order for Transfer Application T-12548, and as recorded in Special Order Volume 104, Pages 648-656 is shown in Table 1, below:

Table 1:

IRRIGATION									
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot <sup>1</sup>	Water User	Notice
5/27/1907	16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
9/1/1900	16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
9/1/1900	16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
8/5/1900	16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
9/1/1900	16 S	11 E	WM	35	SW SE	5.00	2100	MURRI	16.003
9/1/1900	16 S	12 E	WM	8	NW NW	0.25 <sup>1</sup>	500	FRED	16.005
9/1/1900	16 S	12 E	WM	8	SW NW	0.75 <sup>1</sup>	500	FRED	16.005
8/5/1900	17 S	11 E	WM	2	SW SE	1.20	603 <sup>2</sup>	BOUMA	16.004
8/5/1900	17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA	16.004
8/5/1900	17 S	11 E	WM	2	SE SE	8.60	1100	BOUMA	16.004
9/1/1900	17 S	11 E	WM	2	SE SE	2.80	1100	BOUMA	16.004
<b>Total:</b>						<b>21.80</b>			

<sup>1</sup>Lands formerly under Certificate 76106

<sup>2</sup>Tax lot 604 changed to tax lot 603 after the transfer final order was issued.

7. The proposed place of use for primary irrigation under for Certificate 74147 as approved the final order for Transfer Application T-12548, and as recorded in Special Order Volume 104, Pages 648-656 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	27	NE NE	0.50	604	STUERMER	16.001	
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001	
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN FAMILY TRUST	16.002	
<b>Total:</b>						<b>4.50</b>			

8. The proposed place of use for supplemental irrigation under for Certificate 74147 as approved the final order for Transfer Application T-12548, and as recorded in Special Order Volume 104, Pages 648-656 is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot <sup>1</sup>	Water User	Notice
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI FAMILY TRUST	16.003
17 S	11 E	WM	2	SW SE	1.20	603 <sup>1</sup>	BOUMA TRUST	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA TRUST	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA TRUST	16.004
<b>Total:</b>					<b>20.80</b>			

<sup>1</sup>Tax lot 604 changed to tax lot 603 after the transfer final order was issued.

9. The proposed place of use for Certificate 74148 as approved the final order for Transfer Application T-12548, and as recorded in Special Order Volume 104, Pages 648-656 is shown in Table 4, below:

Table 4:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot <sup>1</sup>	Water User	Notice
16 S	11 E	WM	27	NE NE	0.50	604	STUERMER	16.001
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI FAMILY TRUST	16.003
16 S	12 E	WM	8	NW NW	0.25 <sup>1</sup>	500	FRED	16.005
16 S	12 E	WM	8	SW NW	0.75 <sup>1</sup>	500	FRED	16.005
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN FAMILY TRUST	16.002
17 S	11 E	WM	2	SW SE	1.20	603 <sup>2</sup>	BOUMA TRUST	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA TRUST	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA TRUST	16.004
<b>Total:</b>					<b>26.30</b>			

<sup>1</sup>Lands formerly described under Certificate 76106

<sup>2</sup>Tax lot 604 changed to tax lot 603 after the transfer final order was issued.

10. The proposed place of use for Certificate 74149 as approved the final order for Transfer Application T-12548, and as recorded in Special Order Volume 104, Pages 648-656 is shown in Table 5, below:

Table 5:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot <sup>1</sup>	Water User	Notice
16 S	11 E	WM	27	NE NE	0.50	604	STUERMER	16.001
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI FAMILY TRUST	16.003
16 S	12 E	WM	8	NW NW	0.25	500	FRED	16.005
16 S	12 E	WM	8	SW NW	0.75	500	FRED	16.005
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN FAMILY TRUST	16.002
17 S	11 E	WM	2	SW SE	1.20	603	BOUMA TRUST	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA TRUST	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA TRUST	16.004
<b>Total:</b>					<b>26.30</b>			

<sup>1</sup>Tax lot 604 changed to tax lot 603 after the transfer final order was issued.

11. The proposed place of use for Certificate 76520 as approved the final order for Transfer Application T-12548, and as recorded in Special Order Volume 104, Pages 648-656 is shown in Table 6, below:

Table 6:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot <sup>1</sup>	Water User	Notice
16 S	11 E	WM	27	NE NE	0.50	604	STUERMER	16.001
16 S	11 E	WM	27	SW NE	3.00	200	WHEIR	16.001
16 S	11 E	WM	27	SE NE	1.50	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	604	STUERMER	16.001
16 S	11 E	WM	27	SE NE	0.15	600	STUERMER	16.001
16 S	11 E	WM	33	SE NE	1.00	900	O'NEAL/GARBER	16.004
16 S	11 E	WM	35	SW SE	5.00	2100	MURRI FAMILY TRUST	16.003
16 S	12 E	WM	8	NW NW	0.25	500	FRED	16.005
16 S	12 E	WM	8	SW NW	0.75	500	FRED	16.005
16 S	12 E	WM	7	SE SE	1.00	1401	SCHUTT/TUTEN FAMILY TRUST	16.002
17 S	11 E	WM	2	SW SE	1.20	603 <sup>1</sup>	BOUMA TRUST	16.004
17 S	11 E	WM	2	SW SE	0.40	1100	BOUMA TRUST	16.004
17 S	11 E	WM	2	SE SE	11.40	1100	BOUMA TRUST	16.004
<b>Total:</b>					<b>26.30</b>			

<sup>1</sup>Tax lot 604 changed to tax lot 603 after the transfer final order was issued.

12. 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-12548 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, 5, and 6.

### 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, 5, and 6, above.
3. The applicant has demonstrated proof of completion under T-12548 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12548 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, 5, and 6, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JUL 26 2019.

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: JUL 29 2019