

**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 )  
Place of Use Under Transfer Application )  
T-10291, 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 December 26, 2007, the Department signed a final order, which was mailed on December 27, 2007, and recorded in Special Order Volume 73, Pages 848-857, approving Transfer Application T-10291 involving Certificate 83571. The final order established October 1, 2013, 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 March 14, 2011, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10291 satisfying the requirements for providing proof of use under OAR 690-380-6030.
3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10291.
4. The proposed point of diversion, use, and place of use for Certificate 83571 as approved in the final order for Transfer Application T-10291, and as recorded in Special Order Volume 73, Pages 848-857 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	Quasi-Municipal	POD 13
18 S	12 E	WM	5	-- 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	NW SE	Quasi-Municipal	POD 13
18 S	12 E	WM	6	SW SE	Quasi-Municipal	POD 13

5. The quantities of water from the Deschutes River, a tributary of the Columbia River, and the duty for quasi-municipal use as approved in the final order for Transfer Application T-10291, and as recorded in Special Order Volume 73, Pages 875-880 are shown in Table 2, below:

**Table 2:**

Priority Date	Season 1	Season 2	Season 3	Acres/Equivalent <sup>1</sup>	Duty	Point of Diversion <sup>2</sup>
10-31-1900	0.140 CFS	0.186 CFS	0.245 CFS	20.315	77.58 AF per year	POD 13
12-02-1907	--	--	0.100 CFS			
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 point of diversion (POD 1).						

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

<sup>2</sup> Direct diversion; rates do 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.
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



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 information in the CBU and on the final proof map, beneficial use under T-10291 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
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	Quasi-Municipal	POD 13
18 S	12 E	WM	5	-- 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

9. 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- 10291 was completed on fewer quarter-quarters than authorized in the transfer. The Department finds that beneficial use was made at the place of use to the extent shown in Table 3, above.

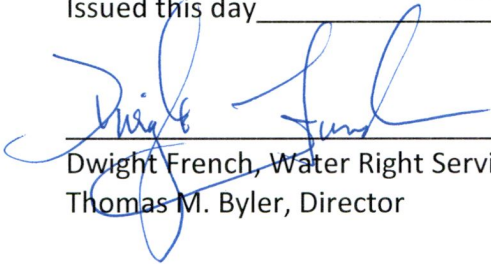
### Conclusions of Law

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-10291 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-10291 consistent with this determination of satisfactory proof of completion.

**Now, therefore, it is ORDERED:**

1. Water right Certificates 83571 is modified as shown in Tables 2 and 3, above. The Department will issue a superseding certificate describing this right when it determines it is necessary for record keeping.

Issued this day MAR 18 2019



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

Mailing date: MAR 19 2019