

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

In the Matter of the Completion of a Change )  
in Point of Diversion and Place of Use Under )  
Transfer Application T-10004, 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 January 30, 2006, the Department issued a final order, which was recorded in Special Order Volume 67, Pages 822-826, approving Transfer Application T-10004, involving Certificates 76358 and 76714. The final order established October 1, 2007, as the date for completion of the authorized change in point of diversion 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26, 2007, the Department issued Certificate 83571 in the name of Central Oregon Irrigation District, which in part, superseded Certificate 76358.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 right reflected by Transfer T-10004.
3. On October 10, 2007, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10004 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 Application T-10004.
5. The proposed place of use and point of diversion from the Deschutes River (primary irrigation) and Crane Prairie Reservoir (supplemental irrigation) for Certificates 83571 (formerly 76358) and 76714, respectively, as approved in the final order for Transfer Application T-10004, and as recorded in Special Order Volume 67, Pages 822-826 are shown in Table 1, below:

**Table 1:**

PRIMARY AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Point of Diversion
18 S	12 E	WM	5	NW NW	0.919	POD 13
18 S	12 E	WM	5	SW NW	1.051	POD 13
18 S	12 E	WM	5	SE NW	4.590	POD 13
18 S	12 E	WM	5	NE SW	0.540	POD 13
<b>Total acres:</b>					<b>7.100</b>	

6. The quantities of water from POD 13 as approved in the final order for Transfer Application T-10004, and as recorded in Special Order Volume 67, Pages 822-826 are shown in Table 2, below:

**Table 2:**

PRIMARY IRRIGATION – CERTIFICATE 83571					
Priority Date	Season 1	Season 2	Season 3	Acres	Point of Diversion <sup>1</sup>
10-31-1900	0.049 CFS	0.065 CFS	0.086 CFS	7.1	POD 13
12-02-1907	--	--	0.035 CFS		
SUPPLEMENTAL IRRIGATION – CERTIFICATE 76714					
Priority Date	Season 1	Season 2	Season 3	Acres	Point of Diversion <sup>1</sup>
02-28-1913	0.049 CFS	0.065 CFS	0.121 CFS	7.1	POD 13 & Crane Prairie Reservoir Dam
<ul style="list-style-type: none"> <li>• 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 11).</li> <li>• 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.</li> </ul>					

<sup>1</sup> Direct diversion; does 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
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 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-10004 was completed to the extent authorized in the transfer as described in Tables 1 and 2.

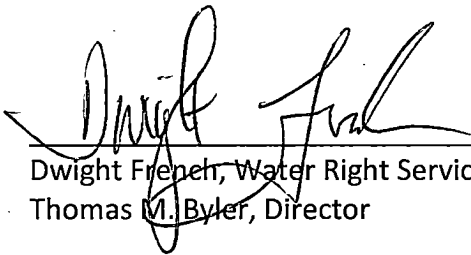
#### Conclusions of Law

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 1 and 2, above.
3. The applicant has demonstrated proof of completion under T-10004 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-10004 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 1 and 2, above. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Issued this day JAN 03 2019



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

Mailing date: JAN 04 2019