

**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-9981)	
)	LOSS OF RIGHT

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

Central Oregon Irrigation District
1055 SW Lake Court
Redmond, OR 97756

Findings of Fact

1. On September 13, 2005, the Department issued a final order, recorded in Special Order Volume 67, Pages 114 - 116, approving district permanent Transfer Application T-9981. The order established October 1, 2006, as the date for completion of the authorized change in place of use.
2. On August 3, 2007, the Department received an application from Central Oregon Irrigation District requesting an extension of time to October 1, 2008, to complete the transfer. On August 17, 2007, the Department issued a final order, recorded in Special Order Volume 73, Pages 88 - 89, approving the request.
3. On September 17, 2009, the Department received a claim of beneficial use for T-9981.
4. The Department reviewed the claim of beneficial use and final proof maps submitted by the applicant for district permanent transfer T-9981.
5. 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.

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 claims of beneficial use and final proof map for portions of T-9981 identify a portion of the completed change slightly differently from that authorized by the final order approving the transfer. However, while the change was completely differently it remains within the same quarter-quarter. The parcel that was proved up on differently is further described in the table below:

TWP	RNG	MER	SEC	Q - Q	TAX LOT	ACRES	USER
18 S	13 E	WM	9	NE NW	600	1.25	CLOUSE

7. The reconfigured change in location of use as mapped is determined satisfactory because the reconfigured, completed use is within the same tax lot and ownership and affects the same number of irrigated acres within the parcel.

8. The claim of beneficial use for a portion of T-9981 indicates that a portion of the water right was not fully perfected, is less than approved and is described in the tables below:

As authorized by Final Order (Special Order Volume 67, Pages 114 – 116)								
POD	TWP	RNG	MER	SEC	Q - Q	TAX LOT	ACRES	NOTICE#
11	15 S	13 E	WM	6	NE NE	101	0.40	2005-027

As documented on Claim of Beneficial Use Site Report								
POD	TWP	RNG	MER	SEC	Q - Q	TAX LOT	ACRES	NOTICE#
11	15 S	13 E	WM	6	NE NE	101	0.00	2005-027

9. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed, the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the points of diversion (POD), the portion of the right not proved up on would be limited as described in the table below. These rates are also the quantities by which Certificate 83571, at POD #11, shall be reduced upon issuance of this order.

PRIORITY DATE	SEASON 1	SEASON 2	SEASON 3	DUTY
	April 1 – April 30 and October 1 – October 31	May 1 – May 14 and September 16 – September 30	May 15 – September 15	
October 31, 1900	0.005 cfs	0.007 cfs	0.009 cfs	3.95 AF
December 2, 1907			0.003 cfs	

10. Other than described in the Finding of Facts above, satisfactory proof of the changes were submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order approving T-9981.

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-9981 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 31 day of August, 2010.


Phillip C. Ward, Director

Mailing Date: SEP 02 2010