

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

In the Matter of the Completion of a Change)	DETERMINATION OF SATISFACTORY
in Use and Place of Use Under Transfer)	PROOF OF COMPLETION FOR A
Application T-9732, Deschutes County)	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 August 9, 2006, the Department signed a final order, which was mailed on August 14, 2006, and recorded in Special Order Volume 69, Pages 586-589, approving Transfer Application T-9732 involving Certificate 76358. The final order established October 1, 2007, as the date for completion of the authorized changes in 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 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26, 2007, the Department issued Certificate 83571 in the name of Central Oregon Irrigation District, which in part, superseded Certificate 76358.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-9732.
3. On August 20, 2007, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-9732.
4. On August 30, 2007, the Department notified the Certified Water Rights Examiner of deficiencies in the CBU and maps.
5. On November 5, 2007, the Department received corrected and completed forms and maps, thereby satisfying the requirements for providing proof of use under OAR 690-380-6030.
6. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-9732.
7. The proposed use and place of use for Certificate 83571 as approved in the final order for Transfer Application T-9732, and as recorded in Special Order Volume 69, Pages 586-589 are shown in Table 1, below:

Table 1:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres/Equivalent ¹	Use	Point of Diversion
17 S	13 E	WM	21	NW SE	1402	4.0	Pond Maintenance	POD 1

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

8. The quantities of water from the Deschutes River, a tributary of the Columbia River, and the duty for pond maintenance as approved in the final order for Transfer Application T-9732, and as recorded in Special Order Volume 69, Pages 586-589 are shown in Table 2, below:

Table 2:

Priority Date	Season 1	Season 2	Season 3	Acres/Equivalent ¹	Duty	Point of Diversion ²
10-31-1900	0.05 CFS	0.07 CFS	0.09 CFS	4.0	39.64 AF per year	POD 1
12-02-1907	--	--	0.03 CFS			

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

² Canal Diversion, rates include 45% Transmission Loss.

9. POD 1 is located 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.

10. 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

11. 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-9732 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-9732 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-9732 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 1 and 2, above. The Department will issue a superseding certificate describing this right 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