

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

In the Matter of the Completion of a Change)
in Place of Use Under Transfer Application) DETERMINATION OF SATISFACTORY PROOF
T-12170, Deschutes County) OF COMPLETION FOR A 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

CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND, OR 97756

Findings of Fact

1. On November 10, 2015, the Department signed a final order, which was mailed on November 13, 2015, and recorded in Special Order Volume 98, Pages 215-220, approving Transfer Application T-12170 involving Certificates 83571 and 76714. The final order established October 1, 2017, as the date for completion of the authorized changes in 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 October 11, 2018, the Department signed a final order, which was mailed on October 12, 2018, and recorded in Special Order Volume 109, Pages 654-655, extending the completion date of the authorized change in place of use to October 1, 2020.
3. On May 23, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12170 satisfying the requirements for providing proof of use under OAR 690-385-7400.
4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-12170.
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 Certificates 83571 and 76714 as approved the final order for Transfer Application T-12170, and as recorded in Special Order Volume 98, Pages 215-220 is shown in Table 1, below:

Table 1:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD#
13 S	13 E	WM	33	SE NE	3.45	200	Knight, Philip & Penelope	T-2015-005	11
13 S	13 E	WM	33	SE NE	1.15	200	Knight, Philip & Penelope	T-2015-005	11
14 S	13 E	WM	5	SW NW	1.40	2000	Peters, Michael L.	T-2015-003	11
14 S	13 E	WM	6	SE NE	3.25	2000	Peters, Michael L.	T-2015-003	11
14 S	13 E	WM	6	SE NE	0.35	2000	Peters, Michael L.	T-2015-003	11
14 S	13 E	WM	21	SW NW	0.50	402	Wiegler, Maxine	T-2015-004	11
14 S	13 E	WM	21	SW NW	0.47	402	Wiegler, Maxine	T-2015-004	11
15 S	12 E	WM	12	SE SE	1.65	400	Killingbeck, Anne C.	T-2015-002	11
15 S	12 E	WM	12	SE SE	0.56	400	Killingbeck, Anne C.	T-2015-002	11
15 S	12 E	WM	12	SE SE	0.50	400	Killingbeck, Anne C.	T-2015-002	11
15 S	12 E	WM	12	SE SE	0.29	400	Killingbeck, Anne C.	T-2015-002	11
15 S	12 E	WM	12	SE SE	0.20	400	Killingbeck, Anne C.	T-2015-002	11
16 S	14 E	WM	21	NE SE	6.50	400	Burck, Bobby	T-2015-001	1
16 S	14 E	WM	21	SE SE	2.90	400	Burck, Bobby	T-2015-001	1
16 S	14 E	WM	21	SE SE	1.90	400	Burck, Bobby	T-2015-001	1
16 S	14 E	WM	21	SE SW	1.00	400	Burck, Bobby	T-2015-001	1
16 S	14 E	WM	21	SE SW	0.40	400	Burck, Bobby	T-2015-001	1
16 S	14 E	WM	21	SE SW	0.40	400	Burck, Bobby	T-2015-001	1
16 S	14 E	WM	21	SE SW	0.10	400	Burck, Bobby	T-2015-001	1
16 S	14 E	WM	21	SE SW	0.10	400	Burck, Bobby	T-2015-001	1

IRRIGATION									
Twp	Twp	Twp	Twp	Twp	Twp	Twp	Twp	Twp	Twp
16 S	14 E	WM	21	SW SE	8.30	400	Burck, Bobby	T-2015-001	1
18 S	14 E	WM	7	NE NW	0.50	404	Olsen, Christopher D.	T-2015-006	1
18 S	14 E	WM	7	SE NW	4.50	404	Olsen, Christopher D.	T-2015-006	1
TOTAL:					40.37				

7. Information in the CBU indicates some water users have changed subsequent to the issuance of the final order approving Transfer Application T-12170 on some parcels affected by the transfer. In addition, portions of the transfer for Certificates 83571 and 76714 were developed differently than authorized in the final order. Any such changes as identified in the CBU and associated maps are shown in **BOLD** in Table 2, below.

Table 2:

IRRIGATION and SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD#
13 S	13 E	WM	33	SE NE	4.60	200	Knight, Philip & Penelope	T-2015-005	11
14 S	13 E	WM	5	SW NW	2.45	2000	Peters, Michael L.	T-2015-003	11
14 S	13 E	WM	6	SE NE	2.55	2000	Peters, Michael L.	T-2015-003	11
14 S	13 E	WM	21	SW NW	0.97	402	Carper, David & Mary	T-2015-004	11
15 S	12 E	WM	12	SE SE	3.20	400	560 Columbia, LLC	T-2015-002	11
16 S	14 E	WM	21	NE SE	6.50	400	560 Columbia, LLC	T-2015-001	1
16 S	14 E	WM	21	SE SE	4.80	400	560 Columbia, LLC	T-2015-001	1
16 S	14 E	WM	21	SE SW	2.00	400	560 Columbia, LLC	T-2015-001	1
16 S	14 E	WM	21	SW SE	8.30	400	560 Columbia, LLC	T-2015-001	1
18 S	14 E	WM	7	NE NW	0.55	404	Olsen, Christopher D.	T-2015-006	1
18 S	14 E	WM	7	SE NW	4.45	404	Olsen, Christopher D.	T-2015-006	1
TOTAL:					40.37				

8. The reconfigured changes in place of use as documented in the CBU and associated maps are determined satisfactory because the reconfigured, completed uses are under the same water right holders, are within the same tax lots, and do not enlarge the rights and affect the same number of irrigated acres.

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-12170 was completed to the extent authorized in the transfer as described in Table 2.

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 Table 2, above.

3. The applicant has demonstrated proof of completion under T-12170 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12170 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 Table 2, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on SEP 03 2019.



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

Mailing Date: SEP 04 2019