

**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-12231, 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 February 16, 2016, the Department signed a final order, which was mailed on March 2, 2016, and recorded in Special Order Volume 98, Pages 872-875, approving Transfer Application T-12231 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 658-659, extending the completion date of the authorized change in place of use to October 1, 2020.
3. On June 20, 2019, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12231 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-12231.
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-12231, and as recorded in Special Order Volume 98, Pages 872-875 is shown in Table 1, below:

Table 1:

PRIMARY and SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
14 S	13 E	WM	9	SE SW	4.55	100	Bolken	2015-018	11
14 S	13 E	WM	9	SE SW	3.12	400	Bolken	2015-018	11
14 S	13 E	WM	9	SE SW	0.43	500	Bolken	2015-018	11
17 S	13 E	WM	18	SE SW	3.20	1001	Eckstein & Todhunter	2015-014	1
17 S	13 E	WM	31	NE NE	0.28	1004	Bishoff Family Trust	2015-019	1
17 S	14 E	WM	33	SW NE	3.50	600	Garth	2015-014	1
17 S	14 E	WM	33	SW NE	1.91	600	Garth	2015-007	1
17 S	14 E	WM	33	SE NW	3.30	600	Garth	2015-014	1
18 S	14 E	WM	7	SE NW	2.25	200	Swan	2015-007	1
TOTAL:					22.54				

7. Information in the CBU indicates some water users and tax lot numbers have changed subsequent to the issuance of the final order approving Transfer Application T-12231 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:

PRIMARY and SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
14 S	13 E	WM	9	SE SW	4.55	100	Bolken	2015-018	11
14 S	13 E	WM	9	SE SW	3.12	400	Bolken	2015-018	11

PRIMARY and SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
14 S	13 E	WM	9	SE SW	0.43	500	Hamlin	2015-018	11
17 S	13 E	WM	18	SE SW	3.20	600	Turley	2015-014	1
17 S	13 E	WM	31	NE NE	0.28	200	Bishoff	2015-019	1
17 S	14 E	WM	33	SW NE	5.41	600	80 Acres LLC	2015-007	1
17 S	14 E	WM	33	SE NW	3.30	600	80 Acres LLC	2015-014	1
18 S	14 E	WM	7	SE NW	2.25	200	Swan	2015-007	1
TOTAL:					22.54				

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 holder, are within the same tax lot, 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-12231 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-12231 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-12231 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

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 AUG 30 2019

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

Mailing Date: SEP 03 2019