

BEFORE THE WATER RESOURCES DEPARTMENT
FOR THE
STATE OF OREGON

In the Matter of the Completion of a Change) DETERMINATION OF SATISFACTORY
in Place of Use Under Transfer Application) PROOF OF COMPLETION FOR A
T-13910 County) 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

TUMALO IRRIGATION DISTRICT
64697 COOK AVE
BEND, OR 97703

Findings of Fact

1. On April 18, 2022, the Department signed a final order, which was mailed on April 19, 2022, and recorded in Special Order Volume 122, Pages 899-906 approving Transfer Application T-13910 involving Certificates 95175, 95176, 95177, 95178 and 74149. The final order established October 1, 2023, as the date for completion of the authorized changes in place of use.
2. On November 2, 2022, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13910 satisfying the requirements for providing proof of use under OAR 690-385-7400.

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.

3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-13910.
4. 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.
5. The proposed place of use for Certificate 95175 as approved the final order for Transfer Application T-13910, and as recorded in Special Order Volume 122, Pages 899-906, is shown in Table 1, below:

Table 1:

IRRIGATION									
Priority	Twp	Rng	Me	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
9/1900	16 S	11 E	W	13	NE SE	0.20	901	JOHNSTON	N21.003
9/1900	16 S	11 E	W	24	SW NW	0.85	501	BIERLY LIVING TRUST	N21.001
4/28/1905	16 S	11 E	W	26	SW NW	2.70	111	MALONEY REV TRUST	N21.002
9/1900	16 S	11 E	W	26	SW NW	0.40	111	MALONEY REV TRUST	N21.002
4/28/1905	16 S	11 E	W	26	SW SE	0.85	500	MALONEY REV TRUST	N21.002
9/1900	16 S	11 E	W	28	SE NE	0.45	901	TEEVIN	N21.004
6/1/1907	16 S	12 E	W	8	NE SW	1.00	1601	ERIC & JAMIE OLSON JOINT	N21.005
9/1900	16 S	12 E	W	8	NE SW	1.10	1500	LARSON	N21.003
9/1900	16 S	12 E	W	8	SE SW	1.90	1500	LARSON	N21.003
6/1/1907	16 S	12 E	W	18	SE SE	0.67	1701	NORRIS	N21.005
9/1900	17 S	11 E	W	1	NE NW	1.40	300	WARBINGTON FAMILY	N21.003
9/1900	17 S	11 E	W	1	NE NW	0.60	201	WARBINGTON FAMILY	N21.003
9/1900	17 S	11 E	W	13	NW SW	0.15*	2700	HAMMOCK	N21.006
9/1900	17 S	11 E	W	13	SW SW	0.05*	2700	HAMMOCK	N21.006
Total:						12.32			

*Lands formerly under Certificate 76106

6. The proposed place of use for Certificate 95176 as approved the final order for Transfer Application T-13910, and as recorded in Special Order Volume 122, Pages 899-906, is shown in Table 2, below:

Table 2:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	12 E	WM	19	NE NW	5.00	800	EMERSON	N21.00
17 S	11 E	WM	13	NW SW	2.70	2700	HAMMOCK	N21.00
Total:					7.70			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	13	NE SE	0.20	901	JOHNSTON	N21.003
16 S	11 E	WM	24	SW NW	0.85	501	BIERLY LIVING TRUST	N21.001

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	26	SW NW	2.70	111	MALONEY REV TRUST	N21.002
16 S	11 E	WM	26	SW NW	0.40	111	MALONEY REV TRUST	N21.002
16 S	11 E	WM	26	SW SE	0.85	500	MALONEY REV TRUST	N21.002
16 S	11 E	WM	28	SE NE	0.45	901	TEEVIN	N21.004
16 S	12 E	WM	8	NE SW	1.00	1601	ERIC & JAMIE OLSON JOINT	N21.005
16 S	12 E	WM	8	NE SW	1.10	1500	LARSON	N21.003
16 S	12 E	WM	8	SE SW	1.90	1500	LARSON	N21.003
16 S	12 E	WM	18	SE SE	0.67	1701	NORRIS	N21.005
17 S	11 E	WM	1	NE NW	1.40	300	WARBINGTON FAMILY TRUST	N21.003
17 S	11 E	WM	1	NE NW	0.60	201	WARBINGTON FAMILY TRUST	N21.003
Total:					12.12			

7. The proposed place of use for Certificate 95177 as approved the final order for Transfer Application T-13910, and as recorded in Special Order Volume 122, Pages 899-906, is shown in Table 3, below:

Table 3:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	13	NE SE	0.20	901	JOHNSTON	N21.00
16 S	11 E	WM	24	SW NW	0.85	501	BIERLY LIVING	N21.00
16 S	11 E	WM	26	SW NW	2.70	111	MALONEY REV	N21.00
16 S	11 E	WM	26	SW NW	0.40	111	MALONEY REV	N21.00
16 S	11 E	WM	26	SW SE	0.85	500	MALONEY REV	N21.00
16 S	11 E	WM	28	SE NE	0.45	901	TEEVIN	N21.00
16 S	12 E	WM	8	NE SW	1.00	1601	ERIC & JAMIE	N21.00
16 S	12 E	WM	8	NE SW	1.10	1500	LARSON	N21.00
16 S	12 E	WM	8	SE SW	1.90	1500	LARSON	N21.00
16 S	12 E	WM	18	SE SE	0.67	1701	NORRIS	N21.00
16 S	12 E	WM	19	NE NW	5.00	800	EMERSON	N21.00
17 S	11 E	WM	1	NE NW	1.40	300	WARBINGTON	N21.00
17 S	11 E	WM	1	NE NW	0.60	201	WARBINGTON	N21.00
17 S	11 E	WM	13	NW SW	2.70	2700	HAMMOCK	N21.00
17 S	11 E	WM	13	NW SW	0.15*	2700	HAMMOCK	N21.00
17 S	11 E	WM	13	SW SW	0.05*	2700	HAMMOCK	N21.00
Total:					20.02			

*Lands formerly under Certificate 76106

8. The proposed place of use for Certificate 95178 as approved the final order for Transfer Application T-13910, and as recorded in Special Order Volume 122, Pages 899-906, is shown in Table 4, below:

Table 4:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	13	NE SE	0.20	901	JOHNSTON	N21.00

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	24	SW NW	0.85	501	BIERLY LIVING	N21.00
16 S	11 E	WM	26	SW NW	2.70	111	MALONEY REV	N21.00
16 S	11 E	WM	26	SW NW	0.40	111	MALONEY REV	N21.00
16 S	11 E	WM	26	SW SE	0.85	500	MALONEY REV	N21.00
16 S	11 E	WM	28	SE NE	0.45	901	TEEVIN	N21.00
16 S	12 E	WM	8	NE SW	1.00	1601	ERIC & JAMIE	N21.00
16 S	12 E	WM	8	NE SW	1.10	1500	LARSON	N21.00
16 S	12 E	WM	8	SE SW	1.90	1500	LARSON	N21.00
16 S	12 E	WM	18	SE SE	0.67	1701	NORRIS	N21.00
16 S	12 E	WM	19	NE NW	5.00	800	EMERSON	N21.00
17 S	11 E	WM	1	NE NW	1.40	300	WARBINGTON	N21.00
17 S	11 E	WM	1	NE NW	0.60	201	WARBINGTON	N21.00
17 S	11 E	WM	13	NW SW	2.70	2700	HAMMOCK	N21.00
17 S	11 E	WM	13	NW SW	0.15	2700	HAMMOCK	N21.00
17 S	11 E	WM	13	SW SW	0.05	2700	HAMMOCK	N21.00
Total:					20.02			

9. The proposed place of use for Certificate 74149 as approved the final order for Transfer Application T-13910, and as recorded in Special Order Volume 122, Pages 899-906, is shown in Table 5, below:

Table 5:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	11 E	WM	13	NE SE	0.20	901	JOHNSTON	N21.00
16 S	11 E	WM	24	SW NW	0.85	501	BIERLY LIVING	N21.00
16 S	11 E	WM	26	SW NW	2.70	111	MALONEY REV	N21.00
16 S	11 E	WM	26	SW NW	0.40	111	MALONEY REV	N21.00
16 S	11 E	WM	26	SW SE	0.85	500	MALONEY REV	N21.00
16 S	11 E	WM	28	SE NE	0.45	901	TEEVIN	N21.00
16 S	12 E	WM	8	NE SW	1.00	1601	ERIC & JAMIE	N21.00
16 S	12 E	WM	8	NE SW	1.10	1500	LARSON	N21.00
16 S	12 E	WM	8	SE SW	1.90	1500	LARSON	N21.00
16 S	12 E	WM	18	SE SE	0.67	1701	NORRIS	N21.00
16 S	12 E	WM	19	NE NW	5.00	800	EMERSON	N21.00
17 S	11 E	WM	1	NE NW	1.40	300	WARBINGTON	N21.00
17 S	11 E	WM	1	NE NW	0.60	201	WARBINGTON	N21.00
17 S	11 E	WM	13	NW SW	2.70	2700	HAMMOCK	N21.00
17 S	11 E	WM	13	NW SW	0.15	2700	HAMMOCK	N21.00
17 S	11 E	WM	13	SW SW	0.05	2700	HAMMOCK	N21.00
Total:					20.02			

10. 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-13910 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3, 4, and 5.

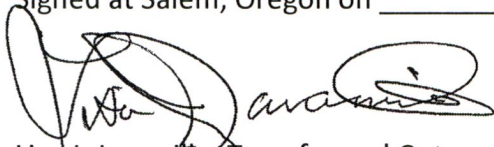
Conclusions of Law

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 Tables 1, 2, 3, 4, and 5, above.
3. The applicant has demonstrated proof of completion under T-13910 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-13910 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

Water right Certificates 95175, 95176, 95177, 95178 and 74149 are modified as shown in Tables 1, 2, 3, 4, and 5, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on _____.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: _____