# BEFORE THE WATER RESOURCES DEPARTMENT FOR THE STATE OF OREGON

)	
)	DETERMINATION OF
)	SATISFACTORY PROOF
	) )

#### **Authority**

ORS 540.530 and OAR 690-385-7600 describe the process for the Water Resources Department to issue or modify a water right certificate upon determination that an applicant has made satisfactory proof of the completion of the changes.

## **Applicant**

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

#### **Findings of Fact**

- 1. On March 7, 2014, the Department signed a final order, which was mailed on March 20, 2014, and recorded in Special Order Volume 91, Pages 963-967, approving Transfer Application T-11696 involving Certificates 83571 and 76714. The final order established October 1, 2015, as the date for completion of the authorized changes in place of use.
- 2. On September 22, 2016, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11696.
- 3. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11696.
- 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 Certificates 83571 and 76714 as approved the final order for Transfer Application T-11696, and as recorded in Special Order Volume Volume 91, Pages 963-967 is shown in the table below:

## 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.

Table 1:

table 1.										
IRRIGATION and SUPPLEMENTAL IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD#	
14S	13E	WM	06	NW SE	0.30	100	Abbey	T-2013-011	11	
16S	12E	WM	12	SE NW	2.65	403	Irey	T-2013-012	11	
16S	12E	WM	12	SW NE	1.48	107	Cross	T-2013-012	11	
17S	12E	WM	14	SW SE	0.81	701	Beck	T-2013-008	1	
17S	14E	WM	27	SE NE	0.85	800	CS Land & Cattle, LLC	T-2013-009	1	
17S	14E	WM	27	SE NE	0.30	700	Caverhill	T-2013-009	1	
18S	13E	WM	05	SE SE	0.50	201	Baney	T-2013-013	1	
18S	13E	WM	08	NE NE	0.55	100	Baney	T-2013-013	1	
18S	13E	WM	09	SE NE	2.70	1400	Kennel	T-2013-010	11	
18S	13E	WM	09	SW NE	0.10	1400	Kennel	T-2013-010	1	
	TOTAL: 10.24									

6. Information in the CBU indicates some water user(s) and tax lot number(s) have changed subsequent to the issuance of the final order approving Transfer Application T-11696 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 the table below.

Table 2:

IRRIGATION and SUPPLEMENTAL IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD#	
14S	13E	WM	06	NW SE	0.30	100	Abbey	T-2013-011	11	
16S	12E	WM	12	SE NW	*2.65	403	Irey	T-2013-012	11	
16S	12E	WM	12	SW NE	1.48	107	Cross	T-2013-012	- 11	
17S	12E	WM	14	SW SE	0.81	701	Beck	T-2013-008	1	
17S	14E	WM	27	SE NE	*0.85	800	CS Land & Cattle, LLC	T-2013-009	1	
17S	14E	WM	27	SE NE	0.30	700	Caverhill	T-2013-009	1	
18S	13E	WM	05	SE SE	0.50	201	Baney Corporation	T-2013-013	11	
18S	13E	WM	08	NE NE	0.55	100	Baney Corporation	T-2013-013	1	
18S	13E	WM	09	SE NE	2.70	1400	Kennel	T-2013-010	1	
18S	13E	WM	09	SW NE	0.10	1400	Kennel	T-2013-010	1	
TOTAL: 10.24					10.24					

<sup>\*</sup>These reconfigured places of use are within the same tax lot and quarter-quarter.

- 7. 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, do not enlarge the rights and affect the same number of irrigated acres.
- 8. Satisfactory proof of the changes was submitted with evidence showing that water was used in the locations and for the purpose as authorized by the final order approving Transfer Application T-11696.

#### **Conclusions of Law**

Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination 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:

- 1. The water has been applied to beneficial use to the extent authorized under the terms of the final order approving Transfer Application T-11696 with the modifications as shown in Table 2, above.
- 2. Water right certificates 83571 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 30 day of December, 2016.

Dwight French, Water Right Services Administrator for

THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing date:\_\_\_\_\_\_\_ JAN 0 6 2017