

**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-13514, 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 January 6, 2021, the Department signed a final order, which was mailed on January 8, 2021, recorded in Special Order Volume 118, Pages 319-325, approving Transfer Application T-13514 involving Certificates 94956 and 76714. The final order established October 1, 2022, 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 September 15, 2022, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-13514 satisfying the requirements for providing proof of use under OAR 690-385-7400.
3. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-13514.
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 94956 for primary irrigation and 76714 for supplemental irrigation as approved the final order for Transfer Application T-13514, and as recorded in Special Order Volume 118, Pages 319-325, is shown in Table 1, below:

Table 1:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User ¹	Notice	POD
14 S	13 E	WM	6	SE SE	0.40	400	MICHAEL/KAARIN FORESTER TRUSTEES	2020-013	11
14 S	13 E	WM	15	SW NW	0.35	2400	BOYNTON	2020-003	11
14 S	13 E	WM	22	NE SE	1.90	101	DAVIS	2020-007	11
14 S	13 E	WM	27	NW SW	3.00	300	JENNINGS	2020-022	11
14 S	14 E	WM	19	NE NW	0.60	201	HEMPHILL	2020-002	11
14 S	14 E	WM	19	NE SE	9.18	300	KASBERGER RANCH LLC	2020-018	11
14 S	14 E	WM	19	NW SE	0.95	300	KASBERGER RANCH LLC	2020-018	11
14 S	14 E	WM	19	SW SE	2.72	304	KASBERGER RANCH LLC	2020-018	11
14 S	14 E	WM	19	SE SE	2.25	304	KASBERGER RANCH LLC	2020-018	11
15 S	12 E	WM	25	NE NE	0.60	102	WIDMER	2020-005	11
15 S	13 E	WM	31	SE NW	0.09	702	ENDICOTT	2020-026	11
16 S	12 E	WM	11	NE NW	1.45	208	NAHLIK	2020-011	11
16 S	12 E	WM	26	NE NE	2.17	401	PARSONS	2020-015	11
16 S	12 E	WM	26	NW NE	1.00	401	PARSONS	2020-015	11
16 S	12 E	WM	35	NW SE	0.81	1000	SHAFFER	2020-008	11
17 S	12 E	WM	29	SE NW	0.15	101	RIVER'S EDGE COMMUNITY MASTER ASSOCIATION	2020-019	10
17 S	13 E	WM	19	SE NW	0.64	1000	LARSEN	2020-017	1
17 S	13 E	WM	30	NE NW	0.80	205	BOMKE	2020-001	1
17 S	13 E	WM	30	NE NW	0.25	300	BOMKE	2020-001	1
17 S	14 E	WM	13	SW SE	0.41	600	FORE	2020-012	1
17 S	14 E	WM	23	SE NW	0.75	800	9 MILE FARM LLC	2020-009	1
17 S	14 E	WM	27	NE SW	3.00	200	DYNES	2020-014	1
17 S	14 E	WM	27	NW SW	0.25	200	DYNES	2020-014	1
17 S	14 E	WM	28	NW NE	0.40	2301	FLORENCE JENO REV TRUST	2020-016	1

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User ¹	Notice	POD
17 S	14 E	WM	28	SW NE	0.10	2301	FLORENCE JENO REV TRUST	2020-016	1
18 S	13 E	WM	2	SW SE	0.03	500	NORWOOD	2020-010	1
18 S	13 E	WM	2	SE SE	0.37	500	NORWOOD	2020-010	1
18 S	13 E	WM	4	SW NE	0.45	600	RALSTON	2020-004	1
Total					35.07				

¹Water users listed in **bold** are different from the water user that was listed in the transfer final order. They have been updated here to reflect the changes as shown in the CBU.

- 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 user, do not enlarge the rights and affect the same number of irrigated acres.
- 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-13514 was completed to the extent authorized in the transfer as described in Table 1.

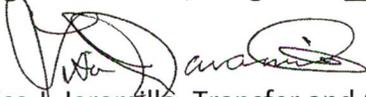
Conclusions of Law

- The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
- Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 1, above.
- The applicant has demonstrated proof of completion under T-13514 to the satisfaction of the Department.
- The Department is authorized to issue or modify certificates of water rights involved in transfer T-13514 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

- Water right Certificates 94956 and 76714 are modified as shown in Table 1, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on MAR 21 2023.



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

Mailing Date: MAR 22 2023