OF THE STATE OF OREGON

In the Matter of the Completion of a) .	
Change of Place of Use Authorized by the)	DETERMINATION OF
Final Order Approving District Permanent)	SATISFACTORY PROOF
Transfer Application T-9636)	. '

Authority

OAR 690-385-7600 describes the process for the Water Resources Department to issue a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

Arnold Irrigation District 19604 Buck Canyon Rd. Bend, OR 97702

Findings of Fact

- 1. On June 14, 2004, the Department issued a final order, recorded in Special Order Volume 60, Pages 503 508, approving district permanent transfer application T-9636. The order established October 1, 2005, as the date for completion of the authorized change in place of use.
- 2. On October 13, 2006, the Department received an application to extend the completion date for Transfer Application T-9636.
- 3. On October 23, 2006, the Department issued a final order extending the date of completion until October 1, 2009. The order is recorded in Special Order Volume 70, Pages 383 384.
- 4. On February 14, 2011, the Department received a claim of beneficial use for T-9636.
- 5. The Department reviewed the claim of beneficial use and final proof maps submitted by the applicant for district permanent transfer T-9636.
- 6. The claim of beneficial use did not contain map(s) of the point(s) of diversion from the source. However, since these changes are for place of use only within an irrigation district, and do not involve changes in point of diversion, the existing map(s) on file with the Department are sufficient to identify the point(s) of diversion from the source.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or 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.

7. A portion of the transfer was proved up on differently than authorized by the final order and is more completely described in the tables below:

As authorized by Special Order Volume 60, Page 505						
Twp	Rng	Sec	Q - Q	Tax Lot	Acres	Notice #
18 S	12 E	8 -	SE SE	3200	0.70	T-2002-001

As documented on map submitted with Claim of Beneficial Use						
Twp	Rng	Rng Sec Q-Q Tax Lot		Tax Lot	Acres Notice #	
18 S	12 E	8	SE SE	3203	0.50	T-2002-001
18 S	12 E	8	SE SE	3201	0.20	T-2002-001

8. The reconfigured change in location of use as mapped and described above in Finding of Fact #7 is determined satisfactory because the reconfiguration does not enlarge the right and the completed use is contiguous.

9. Portions of the completed transfer have changed ownership since the final order approving Transfer Application T-9636 was issued. The table below describe these ownership changes:

Transfer in prison in a second transfer in the transfer of the prison in								
Twp	Rng	Sec	Q-Q	Tax Lot	Acres	Notice #	Former water user	New water user
18 S	13 E	17	NW NE	203	5.50	T-2002-003	HOLZHOUSER	PETERS
18 S	13 E	19	SW NE	100	5.00	T-2002-011	WALTON	MADISON MTN
18 S	12 E	8	SE SE	3200	0.50	T-2002-001	CHIECHI	KELLY
18 S	12 E	8	SE SE	3201	0.20	T-2002-001	CHIECHI	KYLE

10. Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order approving T-9636 or as otherwise described herein.

Conclusions of Law

Pursuant to OAR 690-385-7600, the Department may issue a certificate upon a determination that 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:

The Department has determined that the application of water to beneficial use under the terms of the final order approving district permanent transfer T-9636 was completed to the extent authorized.

Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 23 day of February, 2011.

Dwight French for PHILLIP C. WARD, DIRECTOR

FEB 2 3 2011

Mailing Date: