# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of the Completion of a	)	
Change of Place of Use Authorized by the	)	<b>DETERMINATION OF</b>
Final Order Approving District Permanent	)	SATISFACTORY PROOF
Transfer T-10911, Deschutes County	)	

### **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**

Central Oregon Irrigation District 1055 SW Lake Court Redmond, OR 97756

#### **Findings of Fact**

- 1. On August 24, 2009, the Department issued a final order, recorded in Special Order Volume 78, Pages 741 748, approving district permanent transfer application T-10911. The order established October 1, 2010, as the date for completion of the authorized change in place of use.
- 2. On August 10, 2011, the Department issued a final order approving an extension of the completion date for Transfer Application T-10911 and recorded it in Special Order Volume 85, Pages 58 59. The order extended the time for completion of beneficial use authorized by Transfer Application T-10911 to October 1, 2012.
- 3. On November 7, 2012, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.
- 4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10911.
- 5. The CBU did not contain map(s) of the point(s) 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 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.

- 6. The final proof map for a portion of this transfer reconfigures a portion of the place of use under District Notice #2009-024. The reconfiguration is deemed satisfactory because the number of acres has not increased and the water right holder remains the same.
- The CBU and associated maps noted changes in ownership for those parcels involved in District Notice #2009-002. The original water user was Brasada Ranch, Inc. The new water user is Oregon Resort Acquisition Partners, LP.
- 8. 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 (see Finding of Fact #6 for reconfigured place of use notation) approving Transfer Application T-10911.

#### **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:

- 1. The Department has determined that the application of water to beneficial use under the terms of the final order approving permanent district Transfer Application T-10911 was completed to the extent authorized.
- 2. 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 4 day of August, 2014.

Dwight French, Water Right Services Administrator for

DIRECTOR, Oregon Water Resources Department

Mailing Date: AUG 1 4 2014