BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDE	R
T-9309, Deschutes County)	APPROVING A DISTRICT	
)	PERMANENT TRANSFER	

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

THREE SISTERS IRRIGATION DISTRICT 68000 HIGHWAY 20 W SISTERS, OREGON 97759

Findings of Fact

- 1. On December 27, 2002 Three Sisters Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74135. The Department assigned the application number T-9309.
- 2. Associated with the above certificate is a permitted supplemental right, S-29312. The appurtenant supplemental rights will be transferred concurrently with the primary rights.
- 3. Notice of the application for transfer was published January 7, 2003 pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 4. The portion of the first right to be transferred is as follows:

Certificate: 74135, issued in the name of Squaw Creek Irrigation District

Use: Irrigation

Priority Date: December 31, 1895

Rate & Duty: Maximum of 1/50 cfs per acre

Source: Squaw Creek, tributary to Deschutes River.

This is a final order in other than 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 either 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

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Authorized Place of Use:

TW	TWP RN		RNG		RNG		RNG		SEC	1/4	1/4	TL	USER	AC
14	S	11	E	WM	33	SW	sw	1500	GERALD/PENNI SNOW	5.00				
14	S	11	Е	WM	33	SW	SW	1400	GERALD/PENNI SNOW	7.00				
15	S	11	Е	WM	8	SE	SE	700	TUMALO FARMS	4.00				
15	S	11	Е	WM	8	SE	SE	700	TUMALO FARMS	5.00				
	TOTAL													

5. Application T-9309 proposes to change the place of use to:

TW	P	RN	G	MER	SEC	1/4	1/4	TL	USER	AC
14	S	11	E	WM	33	SW	SW	1500	GERALD/PENNI SNOW	4.77
14	S	11	Е	WM	33	SW	SW	1400	GERALD/PENNI SNOW	7.23
15	S	10	Е	WM	13	NE	SW	702	KEITH CYRUS	4.00
15	s	10	Е	WM	24	sw	sw	900	SISTERS RODEO ASSCO	5.00
TOTAL										21.00

6. The portion of the second right to be transferred is as follows:

Permit: S-29312, issued in the name of Squaw Creek Irrigation District

Use: Supplemental Irrigation **Priority Date:** February 5, 1964.

Rate & Duty: Limited to 500 acre feet stored water only and a diversion of 4 ½ acre feet for

each acre irrigated during the irrigation season of each year; and, shall be limited to any deficiency in the available supply of any prior right existing

for the same land and shall not exceed the limitation allowed.

Source: Squaw Creek Reservoir

Authorized Place of Use:

TW	P	RNG		RNG		RNG		MER	SEC	1/4	1/4	TL	USER	AC
14	S	11	E	WM	33	SW	SW	1500	GERALD/PENNI SNOW	5.00				
14	S	11	Е	WM	33	SW	SW	1400	GERALD/PENNI SNOW	7.00				
15	S	11	Е	WM	8	SE	SE	700	TUMALO FARMS	4.00				
15	S	11	E	WM	8	SE	SE	700	TUMALO FARMS	5.00				
TOTAL										21.00				

7. Application T-9309 proposes to change the place of use to:

TW	TWP		RNG		RNG		SEC	1/4	1/4	TL	USER	AC
14	S	11	E	WM	33	SW	SW	1500	GERALD/PENNI SNOW	4.77		
14	S	11	Е	WM	33	SW	SW	1400	GERALD/PENNI SNOW	7.23		
15	S	10	Е	WM	13	NE	SW	702	KEITH CYRUS	4.00		
15	S	10	Е	WM	24	sw	sw	900	SISTERS RODEO ASSOC	5.00		
	TOTAL 2											

- 8. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
- 9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 10. The proposed change in place of use would not result in enlargement of the rights.
- 11. The proposed change in place of use would not result in injury to other water rights

Conclusions of Law

The proposed changes in place of use in Transfer Application T-9309 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

- 1. The proposed changes to the water rights evidenced by Certificate 74135, Permits S-29312 are approved.
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 74135, Permit S-29312 and any related decree.
- 3. The former place of use shall no longer be irrigated as part of this water right.
- 4. The proposed change shall be completed on or before October 1, 2006.
- 5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2007.
- 6. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 16th day of August, 2005.

Col Phillip C. Ward, Director