

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-11710, Crook County                                    )     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**

OCHOCO IRRIGATION DISTRICT  
1001 NW DEER ST,  
PRINEVILLE, OREGON 97754

**Findings of Fact**

1. On January 2, 2014 Ochoco Irrigation District filed a district transfer application to permanently change the place of use under Certificates 82246, 82247 and 82249. The Department assigned the application number T-11710.
2. Notice of the application for transfer was published on January 14, 2014 pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

**Certificate:** 82246, issued in the name of Ochoco Irrigation District  
**Use:** Irrigation of 15.40 Acres  
**Priority Date:** March 13, 1916  
**Rate / Duty:** Limited to a diversion of 1/80 of one cubic foot per second (or the equivalent) for each acre irrigated and further limited to 4.0 acre-feet per acre per year.

**Source:** Ochoco, McKay, Dry, Lytle and Johnson Creeks, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir.

**Authorized Point of Diversion:**

| POD # | Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-------|-----|-----|-----|-----|-------|--|
| 1     | 15S | 17E | WM  | 5   | SW NW | OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 5 |

This is an 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.

**Authorized Place of Use:**

| IRRIGATION   |     |     |     |       |              |         |            |        |
|--------------|-----|-----|-----|-------|--------------|---------|------------|--------|
| Twp          | Rng | Mer | Sec | Q-Q   | Acres        | Tax Lot | Owner Name | Notice |
| 14S          | 15E | WM  | 4   | SW NE | 0.80         | 400     | Knorr      | 8-13   |
| 14S          | 15E | WM  | 4   | NE SW | 2.30         | 200     | McCabe     | 10-13  |
| 14S          | 15E | WM  | 4   | NW SE | 0.60         | 400     | Knorr      | 8-13   |
| 14S          | 15E | WM  | 4   | SW SE | 0.30         | 400     | Knorr      | 8-13   |
| 14S          | 15E | WM  | 4   | SW SE | 3.40         | 200     | McCabe     | 10-13  |
| 14S          | 15E | WM  | 15  | NE NE | 0.40         | 1700    | Hughbanks  | 5-13   |
| 14S          | 15E | WM  | 15  | NW SE | 0.10         | 802     | Cooley     | 6-13   |
| 14S          | 16E | WM  | 8   | SE NE | 1.70         | 100     | Santucci   | 17-13  |
| 14S          | 16E | WM  | 8   | SE NW | 2.40         | 100     | Santucci   | 17-13  |
| 14S          | 16E | WM  | 9   | NW NW | 1.20         | 900     | Santucci   | 17-13  |
| 14S          | 16E | WM  | 20  | SW SW | 0.40         | 400     | Lewis      | 4-13   |
| 14S          | 16E | WM  | 26  | SE NE | 0.50         | 400     | Helms      | 9-13   |
| 14S          | 16E | WM  | 29  | NW NW | 0.10         | 808     | Bobbit     | 16-13  |
| 14S          | 16E | WM  | 29  | NW NW | 0.50         | 901     | Warren     | 7-13   |
| 14S          | 16E | WM  | 29  | NE SW | 0.70         | 302     | Hernrickx  | 15-13  |
| <b>Total</b> |     |     |     |       | <b>15.40</b> |         |            |        |

4. Transfer Application T-11710 proposed to change the place of use to:

**Proposed Place of Use**

| IRRIGATION   |     |     |     |       |              |         |            |        |
|--------------|-----|-----|-----|-------|--------------|---------|------------|--------|
| Twp          | Rng | Mer | Sec | Q-Q   | Acres        | Tax Lot | Owner Name | Notice |
| 14S          | 15E | WM  | 2   | NW NE | 0.40         | 104     | Ridenour   | 4-13   |
| 14S          | 15E | WM  | 2   | NW NE | 0.40         | 104     | Ridenour   | 5-13   |
| 14S          | 15E | WM  | 2   | NW NE | 0.10         | 104     | Ridenour   | 6-13   |
| 14S          | 15E | WM  | 2   | NW NE | 0.50         | 104     | Ridenour   | 7-13   |
| 14S          | 15E | WM  | 2   | NW NE | 1.70         | 104     | Ridenour   | 8-13   |
| 14S          | 15E | WM  | 5   | NE NW | 0.20         | 200     | Guthrie    | 15-13  |
| 14S          | 15E | WM  | 5   | SE NW | 0.50         | 200     | Guthrie    | 15-13  |
| 14S          | 15E | WM  | 5   | SE NW | 0.10         | 200     | Guthrie    | 16-13  |
| 14S          | 15E | WM  | 5   | SW SE | 3.60         | 100     | McCabe     | 17-13  |
| 14S          | 16E | WM  | 5   | SE SE | 5.70         | 400     | Santucci   | 17-13  |
| 14S          | 16E | WM  | 8   | NE SE | 0.60         | 103     | Santucci   | 17-13  |
| 14S          | 16E | WM  | 9   | SW NW | 0.80         | 900     | Santucci   | 17-13  |
| 14S          | 16E | WM  | 9   | NW SW | 0.30         | 900     | Santucci   | 17-13  |
| 14S          | 16E | WM  | 25  | NW NE | 0.50         | 102     | Dunn       | 9-13   |
| <b>Total</b> |     |     |     |       | <b>15.40</b> |         |            |        |

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

**Certificate:** 82247, issued in the name of U. S. Bureau of Reclamation

**Use:** Primary Irrigation of 21.60 Acres and 14.90 Acres Supplemental Irrigation

**Priority Date:** April 8, 1914

**Rate / Duty:** Maximum of 1/40 cubic foot per second or equivalent per acre and further limited to 4.0 acre-feet per acre per year from direct flow and storage.

**Source:** Crooked River and Prineville Reservoir, tributary to Deschutes River.

**Authorized Point of Diversion:**

| POD# | Twp | Rng | Mer | Sec | Q-Q   | Measured Distances  |
|------|-----|-----|-----|-----|-------|---|
| 2    | 15S | 15E | WM  | 36  | SW SE | 60 FEET NORTH AND 1940 FEET WEST FROM THE SE CORNER OF SECTION 36 |

**Authorized Place of Use:**

| PRIMARY IRRIGATION |     |     |     |       |              |         |                                |          |
|--------------------|-----|-----|-----|-------|--------------|---------|--------------------------------|----------|
| Twp                | Rng | Mer | Sec | Q-Q   | Acres        | Tax lot | Water User                     | Notice # |
| 14S                | 15E | WM  | 2   | SW NE | 2.00         | 100     | Lee                            | 18-13    |
| 14S                | 15E | WM  | 6   | SW NE | 1.80         | 200     | Guthrie                        | 11-13    |
| 14S                | 15E | WM  | 36  | NE SE | 0.50         | 2902    | Moore                          | 12-13    |
| 15S                | 16E | WM  | 8   | NE NW | 0.50         | 108     | Western Conference Association | 1-13     |
| 15S                | 16E | WM  | 8   | NW NW | 0.10         | 108     | Western Conference Association | 1-13     |
| 15S                | 16E | WM  | 8   | SW NW | 1.00         | 108     | Western Conference Association | 1-13     |
| 15S                | 16E | WM  | 8   | SE NW | 3.40         | 108     | Western Conference Association | 1-13     |
| 15S                | 16E | WM  | 9   | SW NE | 0.40         | 1300    | Johns                          | 13-13    |
| 15S                | 16E | WM  | 9   | SW NE | 0.40         | 1500    | Armstrong                      | 3-13     |
| 15S                | 16E | WM  | 9   | SE NE | 11.20        | 100     | Breese Ranch, LLC              | 2-13     |
| 15S                | 16E | WM  | 9   | NE NW | 0.30         | 1100    | Puckett                        | 4-13     |
| <b>Total</b>       |     |     |     |       | <b>21.60</b> |         |                                |          |

| SUPPLEMENTAL IRRIGATION |     |     |     |       |              |         |            |          |
|-------------------------|-----|-----|-----|-------|--------------|---------|------------|----------|
| Twp                     | Rng | Mer | Sec | Q-Q   | Acres        | Tax lot | Water User | Notice # |
| 14S                     | 15E | WM  | 4   | SW NE | 0.80         | 400     | Knorr      | 8-13     |
| 14S                     | 15E | WM  | 4   | NE SW | 2.30         | 200     | McCabe     | 10-13    |
| 14S                     | 15E | WM  | 4   | NW SE | 0.60         | 400     | Knorr      | 8-13     |
| 14S                     | 15E | WM  | 4   | SW SE | 0.30         | 400     | Knorr      | 8-13     |
| 14S                     | 15E | WM  | 4   | SW SE | 3.40         | 200     | McCabe     | 10-13    |
| 14S                     | 15E | WM  | 15  | NE NE | 0.40         | 1700    | Hughbanks  | 5-13     |
| 14S                     | 15E | WM  | 15  | NW SE | 0.10         | 802     | Cooley     | 6-13     |
| 14S                     | 16E | WM  | 8   | SE NE | 1.70         | 100     | Santucci   | 17-13    |
| 14S                     | 16E | WM  | 8   | SE NW | 2.40         | 100     | Santucci   | 17-13    |
| 14S                     | 16E | WM  | 9   | NW NW | 1.20         | 900     | Santucci   | 17-13    |
| 14S                     | 16E | WM  | 20  | SW SW | 0.40         | 400     | Lewis      | 4-13     |
| 14S                     | 16E | WM  | 29  | SE SW | 0.70         | 302     | Herinckx   | 15-13    |
| 14S                     | 16E | WM  | 29  | NW NW | 0.10         | 808     | Bobbit     | 16-13    |
| 14S                     | 16E | WM  | 29  | NW NW | 0.50         | 901     | Warren     | 7-13     |
| <b>Total</b>            |     |     |     |       | <b>14.90</b> |         |            |          |

6. Transfer Application T-11710 proposes to change the place of use to:

**Proposed Place of Use:**

| PRIMARY IRRIGATION |     |     |     |       |       |         |            |          |
|--------------------|-----|-----|-----|-------|-------|---------|------------|----------|
| Twp                | Rng | Mer | Sec | Q-Q   | Acres | Tax lot | Water User | Notice # |
| 14S                | 15E | WM  | 2   | SW NE | 2.00  | 107     | Lee        | 18-13    |
| 14S                | 15E | WM  | 5   | NE NW | 0.40  | 200     | Guthrie    | 11-13    |
| 14S                | 15E | WM  | 5   | SE NW | 0.40  | 200     | Guthrie    | 13-13    |
| 14S                | 15E | WM  | 5   | SE NW | 0.50  | 200     | Guthrie    | 12-13    |
| 14S                | 15E | WM  | 5   | SE NW | 0.30  | 200     | Guthrie    | 14-13    |

| PRIMARY IRRIGATION |     |     |     |       |              |         |                          |          |
|--------------------|-----|-----|-----|-------|--------------|---------|--------------------------|----------|
| Twp                | Rng | Mer | Sec | Q-Q   | Acres        | Tax lot | Water User               | Notice # |
| 14S                | 15E | WM  | 6   | SE NE | 1.40         | 200     | Guthrie                  | 11-13    |
| 14S                | 15E | WM  | 21  | NW NW | 5.00         | 101     | Prineville Resident Inv. | 1-13     |
| 15S                | 16E | WM  | 9   | NE NW | 0.40         | 1403    | Kurtz                    | 3-13     |
| 15S                | 16E | WM  | 9   | SE NE | 1.10         | 113     | Breese Ranch P.U.D.      | 2-13     |
| 15S                | 16E | WM  | 9   | SE NE | 1.70         | 114     | Breese Ranch P.U.D.      | 2-13     |
| 15S                | 16E | WM  | 9   | SE NE | 0.60         | 115     | Breese Ranch P.U.D.      | 2-13     |
| 15S                | 16E | WM  | 9   | SE NE | 2.70         | 120     | Breese Ranch P.U.D.      | 2-13     |
| 15S                | 16E | WM  | 9   | SE NE | 1.60         | 121     | Breese Ranch P.U.D.      | 2-13     |
| 15S                | 16E | WM  | 9   | SE NE | 1.60         | 122     | Breese Ranch P.U.D.      | 2-13     |
| 15S                | 16E | WM  | 9   | SE NE | 1.90         | 123     | Breese Ranch P.U.D.      | 2-13     |
| <b>Total</b>       |     |     |     |       | <b>21.60</b> |         |                          |          |

| SUPPLEMENTAL IRRIGATION |     |     |     |       |              |         |            |          |
|-------------------------|-----|-----|-----|-------|--------------|---------|------------|----------|
| Twp                     | Rng | Mer | Sec | Q-Q   | Acres        | Tax lot | Water User | Notice # |
| 14S                     | 15E | WM  | 2   | NW NE | 0.40         | 104     | Ridenour   | 4-13     |
| 14S                     | 15E | WM  | 2   | NW NE | 0.40         | 104     | Ridenour   | 5-13     |
| 14S                     | 15E | WM  | 2   | NW NE | 0.10         | 104     | Ridenour   | 6-13     |
| 14S                     | 15E | WM  | 2   | NW NE | 0.50         | 104     | Ridenour   | 7-13     |
| 14S                     | 15E | WM  | 2   | NW NE | 1.70         | 104     | Ridenour   | 8-13     |
| 14S                     | 15E | WM  | 5   | NE NW | 0.20         | 200     | Guthrie    | 15-13    |
| 14S                     | 15E | WM  | 5   | SE NW | 0.50         | 200     | Guthrie    | 15-13    |
| 14S                     | 15E | WM  | 5   | SE NW | 0.10         | 200     | Guthrie    | 16-13    |
| 14S                     | 15E | WM  | 5   | SE SE | 5.70         | 400     | McCabe     | 10-13    |
| 14S                     | 16E | WM  | 5   | SW SE | 3.60         | 100     | Santucci   | 17-13    |
| 14S                     | 16E | WM  | 8   | NE SE | 0.60         | 103     | Santucci   | 17-13    |
| 14S                     | 16E | WM  | 9   | SW NW | 0.80         | 900     | Santucci   | 17-13    |
| 14S                     | 16E | WM  | 9   | NW SW | 0.30         | 900     | Santucci   | 17-13    |
| <b>Total</b>            |     |     |     |       | <b>14.90</b> |         |            |          |

7. The portion of the third right to be transferred is as follows:

**Certificate:** 82249, issued in the name of Ochoco Irrigation District

**Use:** Supplemental Irrigation of 4.0 acres

**Priority Dates:** 1873 and 1906

**Rate/ Duty:** Maximum of 1/77 cfs per acre and 4.0 acre-feet per acre per year.

**Source:** McKay Creek

**Authorized Points of Diversion:**

| POD # | Twp | Rng | Mer | Sec | Q-Q   | Measured Distances   |
|-------|-----|-----|-----|-----|-------|--|
| 1     | 15S | 17E | WM  | 5   | SW NW | OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5 |
| 100   | 15S | 16E | WM  | 6   | SE NW | 1540 FEET SOUTH AND 3165 FEET WEST FROM THE NORTH EAST CORNER OF SECTION 6           |

**Authorized Place of Use:**

| SUPPLEMENTAL IRRIGATION |               |     |     |     |     |       |             |         |            |          |
|-------------------------|---------------|-----|-----|-----|-----|-------|-------------|---------|------------|----------|
| POD#                    | Priority Date | Twp | Rng | Mer | Sec | Q-Q   | Acres       | Tax lot | Water User | Notice # |
| 1 & 100                 | 1906          | 14S | 15E | WM  | 4   | SW NE | 0.80        | 400     | Knorr      | 8-13     |
| 1                       | 1873          | 14S | 15E | WM  | 4   | NE SW | 2.30        | 200     | McCabe     | 10-13    |
| 1 & 100                 | 1906          | 14S | 15E | WM  | 4   | NW SE | 0.60        | 400     | Knorr      | 8-13     |
| 1 & 100                 | 1906          | 14S | 15E | WM  | 4   | SW SE | 0.30        | 400     | Knorr      | 8-13     |
| <b>Total</b>            |               |     |     |     |     |       | <b>4.00</b> |         |            |          |

8. Transfer Application T-11710 proposed to change the place of use to:

**Proposed Place of Use:**

| SUPPLEMENTAL IRRIGATION |               |     |     |     |     |       |             |         |            |          |
|-------------------------|---------------|-----|-----|-----|-----|-------|-------------|---------|------------|----------|
| POD#                    | Priority Date | Twp | Rng | Mer | Sec | Q-Q   | Acres       | Tax lot | Water User | Notice # |
| 1 & 100                 | 1906          | 14S | 15E | WM  | 2   | NW NE | 1.70        | 104     | Ridenour   | 8-13     |
| 1                       | 1873          | 14S | 15E | WM  | 5   | SE SE | 2.30        | 400     | McCabe     | 10-13    |
| <b>Total</b>            |               |     |     |     |     |       | <b>4.00</b> |         |            |          |

9. 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.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change in place of use would not result in enlargement of the rights
12. 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-11710 satisfy the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

1. The proposed changes in the place of use to the water rights evidenced by Certificates 82246, 82247 and 82449 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 Certificates 82246, 82247 and 82449 and any related decree
3. The former place of use shall no longer be irrigated as part of these water rights.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. A Claim of Beneficial Use shall be submitted by Ochoco Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

5. Certificates 82246, 82247 and 82249 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 20 day of March, 2014.

  
Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 03 2014