

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

In the Matter of Transfer Application)	F I N A L O R D E R
T-9621, 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 31, 2003, 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-9621.
2. Associated with the above certificate are permitted supplemental rights, G-11378 and S-29312. The appurtenant supplemental rights will be transferred concurrently with their associated primary right(s).
3. Notice of the application for transfer was published 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, 1885, December 31, 1895, and December 31, 1904.
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.

Authorized Place of Use:

PRIORITY	TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC		
12/31/1895	14	S	11	E	WM	32	NW	NE	100	GARY ANDERSEN	10.50
12/31/1895	15	S	10	E	WM	24	SW	NW	200	KAY PATTERSON	7.72
12/31/1895	15	S	10	E	WM	24	NW	SW	200	KAY PATTERSON	2.28
12/31/1885	15	S	10	E	WM	26	NW	NE	600	WELDON WANKIER	10.00
12/31/1895	15	S	10	E	WM	26	NW	NE	600	WELDON WANKIER	3.60
12/31/1904	15	S	10	E	WM	26	NW	NE	600	WELDON WANKIER	7.00
12/31/1895	15	S	10	E	WM	26	SW	NE	600	WELDON WANKIER	10.00
12/31/1904	15	S	10	E	WM	26	NE	NW	600	WELDON WANKIER	2.10
12/31/1904	15	S	10	E	WM	26	NW	SE	600	WELDON WANKIER	6.00
12/31/1895	15	S	11	E	WM	4	NE	SW	402	EUGENE BALDWIN	0.29
12/31/1895	15	S	11	E	WM	4	SE	SW	402	EUGENE BALDWIN	4.71
12/31/1895	15	S	11	E	WM	8	NE	SE	100	TUMALO FARMS	2.00
TOTAL										66.20	

5. Application T-9621 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC		
12/31/1895	14	S	11	E	WM	34	SW	SW	6100	EUGENE BALDWIN	5.00
12/31/1895	14	S	12	E	WM	18	NE	SW	2200	DANA&EVELYN DYKES	2.00
12/31/1895	15	S	10	E	WM	15	NE	SE	1500	DAVID HERMAN	10.50
12/31/1895	15	S	10	E	WM	24	SW	SW	900	SISTERS RODEO ASSOC	10.00
12/31/1895	15	S	10	E	WM	26	NW	NE	600	WELDON WANKIER	5.50
12/31/1904	15	S	10	E	WM	26	NW	NE	600	WELDON WANKIER	15.10
12/31/1885	15	S	10	E	WM	26	SW	NE	600	WELDON WANKIER	10.0
12/31/1895	15	S	10	E	WM	26	NE	NW	600	WELDON WANKIER	6.00
12/31/1985	15	S	10	E	WM	26	SE	NW	600	WELDON WANKIER	2.10
TOTAL										66.20	

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

Permit: G-11378, issued in the name of Squaw Creek Irrigation District

Use: Supplemental Irrigation

Priority Date: October 8, 1984.

Rate & Duty: Maximum of 1/80 cfs and 3.0 acre-feet for each acre irrigated during the season

Source: Squaw Creek, tributary to Deschutes River.

Authorized Place of Use:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC		
14	S	11	E	WM	32	NW	NE	100	GARY ANDERSEN	10.50
15	S	10	E	WM	24	SW	NW	200	KAY PATTERSON	1.00
15	S	10	E	WM	24	NW	SW	200	KAY PATTERSON	2.28
15	S	10	E	WM	26	NW	NE	600	WELDON WANKIER	10.00

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC		
15	S	10	E	WM	26	SW	NE	600	WELDON WANKIER	10.00
15	S	10	E	WM	26	NE	NW	600	WELDON WANKIER	2.10
15	S	10	E	WM	26	NW	SE	600	WELDON WANKIER	5.00
15	S	11	E	WM	4	NE	SW	402	EUGENE BALDWIN	0.29
15	S	11	E	WM	4	SE	SW	402	EUGENE BALDWIN	4.71
15	S	11	E	WM	8	NE	SE	100	TUMALO FARMS	2.00
TOTAL									47.88	

7. Application T-9621 proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC		
14	S	11	E	WM	34	SW	SW	6100	EUGENE BALDWIN	5.00
14	S	12	E	WM	18	NE	SW	2200	DANA&EVELYN DYKES	2.00
15	S	10	E	WM	15	NE	SE	1500	DAVID HERMAN	10.50
15	S	10	E	WM	24	SW	SW	900	SISTERS RODEO ASSOC	3.28
15	S	10	E	WM	26	NW	NE	600	WELDON WANKIER	12.60
15	S	10	E	WM	26	SW	NE	600	WELDON WANKIER	10.00
15	S	10	E	WM	26	NE	NW	600	WELDON WANKIER	4.50
TOTAL									47.88	

8. The portion of the third 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:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC		
15	S	11	E	WM	4	NE	SW	402	EUGENE BALDWIN	0.29
15	S	11	E	WM	4	SE	SW	402	EUGENE BALDWIN	4.71
15	S	11	E	WM	8	NE	SE	100	TUMALO FARMS	2.00
TOTAL									7.00	

9. Application T-9621 proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	TL	USER	AC		
14	S	11	E	WM	34	SW	SW	6100	EUGENE BALDWIN	5.00
14	S	12	E	WM	18	NE	SW	2200	DANA&EVELYN DYKES	2.00
TOTAL									7.00	

10. 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.
11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
12. The proposed change in place of use would not result in enlargement of the rights.
13. 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-9621 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 Certificates 74135, G-11378, and 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 Certificates 74135, G-11378, 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.



For Phillip C. Ward, Director