

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

In the Matter of Transfer Application)
T-14133, Deschutes and Crook Counties)
)
)
)

FINAL ORDER APPROVING
A DISTRICT PERMANENT TRANSFER
FOR PLACE OF USE AND VOLUNTARY
CANCELLATION OF A PORTION OF A
WATER RIGHT CERTIFICATE

Authority

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

Applicant

CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE CT.
REDMOND, OR 97756

Findings of Fact

1. On December 19, 2022, Central Oregon Irrigation District (COID) filed a district transfer application to permanently change the places of use under Certificates 94956 and 76714. The Department assigned the application number T-14133.
2. Notice of the District Permanent Transfer Application was published on December 27, 2022, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on December 27, 2022, no comments were received within 90 days of the notification.
4. The portion of the first right to be transferred is as follows:
Certificate: 94956 in the name of CENTRAL OREGON IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)
Use: IRRIGATION of 10.02 acres
Priority Dates: OCTOBER 31, 1900 and DECEMBER 2, 1907
Seasons of Use: Season 1: April 1 through April 30 & October 1 through October 31

This final order is in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

Season 2: May 1 through May 14 & September 16 through September 30

Season 3: May 15 through September 15

Maximum Quantity (Rate) that can be applied to an acre:

Season 1: Limited to 1/80 cubic foot per second (cfs) per acre

Season 2: Limited to 1/60 cfs per acre

Season 3: Limited to 1/32.4 cfs per acre

Maximum Duty that can be applied to an acre:

Not to exceed 9.91 acre-feet (af) per acre per year.

The above listed rates and duty reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

Source: The DESCHUTES RIVER, tributary to the COLUMBIA RIVER

Authorized Points of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13
11	17 S	12 E	WM	29	SE NE	COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	POD
14 S	13 E	WM	9	SE NW	0.05	902	THE DORMAN-QUINN FAM TRUST	2022-023	11
14 S	13 E	WM	27	SW NE	1.22	301	ARNETT	2022-025	11
14 S	13 E	WM	27	NW SW	0.87	801	COID	2022-023	11
15 S	12 E	WM	25	NW NW	0.54	300	EVANS	2022-028	11
15 S	12 E	WM	25	NW NW	0.18	302	EVANS	2022-028	11
15 S	13 E	WM	3	NW SW	0.50	1400	COID	2022-026	11
17 S	12 E	WM	12	SW SE	0.10	305	LOGSDON	2022-022	1
17 S	12 E	WM	26	SW NW	3.75	300	VENTURE PROPERTIES INC	2022-014	1
17 S	12 E	WM	26	SW NW	0.80	200	VENTURE PROPERTIES INC	2022-014	1
17 S	12 E	WM	35	NW SE	1.00	1100	DOGIFISH INVESTMENTS LLC	2022-008	1
17 S	13 E	WM	19	SW SE	0.28	1702	JOHNSON	2022-024	1
17 S	13 E	WM	21	NW SE	0.73	1401	OWEN TRUST	2022-027	1
TOTAL					10.02				

5. Transfer Application T-14133 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	POD
14 S	13 E	WM	9	SE NW	0.92	902	THE DORMAN-QUINN FAM TRUST	2022-023	11
14 S	13 E	WM	27	NW NW	1.22	600	CGA INVESTMENTS LLC	2022-025	11

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	POD
15 S	12 E	WM	25	NW NW	0.72	300	EVANS	2022-028	11
15 S	13 E	WM	6	SE NW	0.50	700	DAVIS	2022-026	11
15 S	14 E	WM	14	SE NE	1.00	102	WALKER LIVING TRUST	2022-008	1
17 S	12 E	WM	12	SW SE	0.10	305	LOGSDON	2022-022	1
17 S	13 E	WM	19	SW SE	0.28	1702	JOHNSON	2022-024	1
17 S	13 E	WM	21	NW SE	0.73	1401	2000 OWEN TRUST	2022-027	1
17 S	14 E	WM	27	NW SW	4.55	200	DYNES	2022-014	1
TOTAL					10.02				

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

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT (perfected under Permit S-23256)

Use: SUPPLEMENTAL IRRIGATION of 10.02 acres

Priority Date: FEBRUARY 28, 1913

Limit/Duty: Limited to 50,000 acre-feet of stored water only. The appropriation shall be limited to the duty of water as set out in the modified supplemental decree of the circuit court dated March 24, 1933 in the matter of the determination of the relative rights to the use of the waters of the Deschutes River and its tributaries; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall be further limited to the terms of an inter-district contract dated January 4, 1938.

Source: CRANE PRAIRIE RESERVOIR, constructed under Permit R-1687, a tributary of the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	POD Name
21 S	8 E	WM	17	NE NE	CRANE PRAIRIE RESERVOIR DAM

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	POD
14 S	13 E	WM	9	SE NW	0.05	902	THE DORMAN-QUINN FAM TRUST	2022-023	11
14 S	13 E	WM	27	SW NE	1.22	301	ARNETT	2022-025	11
14 S	13 E	WM	27	NW SW	0.87	801	COID	2022-023	11
15 S	12 E	WM	25	NW NW	0.54	300	EVANS	2022-028	11
15 S	12 E	WM	25	NW NW	0.18	302	EVANS	2022-028	11
15 S	13 E	WM	3	NW SW	0.50	305	COID	2022-026	11
17 S	12 E	WM	12	SW SE	0.10	305	LOGSDON	2022-022	1
17 S	12 E	WM	26	SW NW	3.75	300	VENTURE PROPERTIES INC	2022-014	1
17 S	12 E	WM	26	SW NW	0.80	200	VENTURE PROPERTIES INC	2022-014	1
17 S	12 E	WM	35	NW SE	1.00	1100	DOGIFISH INVESTMENTS LLC	2022-014	1
17 S	13 E	WM	19	SW SE	0.28	1702	JOHNSON	2022-024	1

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	POD
17 S	13 E	WM	21	NW SE	0.73	2000	OWEN TRUST	2022-027	1
TOTAL					10.02				

7. Transfer Application T-14133 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	POD
14 S	13 E	WM	9	SE NW	0.92	902	THE DORMAN-QUINN FAM TRUST	2022-023	11
14 S	13 E	WM	27	NW NW	1.22	600	CGA INVESTMENTS LLC	2022-025	11
15 S	12 E	WM	25	NW NW	0.72	300	EVANS	2022-028	11
15 S	13 E	WM	6	SE NW	0.50	700	DAVIS	2022-026	11
15 S	14 E	WM	14	SE NE	1.00	102	WALKER LIVING TRUST	2022-008	1
17 S	12 E	WM	12	SW SE	0.10	305	LOGSDON	2022-022	1
17 S	13 E	WM	19	SW SE	0.28	1702	JOHNSON	2022-024	1
17 S	13 E	WM	21	NW SE	0.73	1401	2000 OWEN TRUST	2022-027	1
17 S	14 E	WM	27	NW SW	4.55	200	DYNES	2022-014	1
TOTAL					10.02				

8. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
9. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
10. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
11. The proposed change in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
12. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Cancellation of Certificate 80689

A portion of water right Certificate 80689 is appurtenant to certain authorized lands under Certificate 94956 which are involved in Transfer T-14133.

13. On February 16, 2023, the Department received an affidavit from Frederick F. Walker and Patricia T. Walker, trustees of the Frederick F. Walker and Patricia T. Walker Living Trust dated September 25, 2018, stating they are the owners of a portion of the lands appurtenant to the water right as evidenced by Certificate 80689. The affiants identified a "layered" water right on a portion of the "FROM" lands described in Finding of Fact #4, and do not intend to transfer this portion of the water right with the primary water right. An

affidavit was submitted requesting a partial cancellation of Certificate 80689 as described below:

Certificate: 80689 in the name of WAMPLER & WERTH FARMS (perfected under Permit G-8720)

Use: IRRIGATION of 5.0 acres

Priority Date: DECEMBER 28, 1978

Rate: 0.06 CUBIC FOOT PER SECOND

Limit / Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FIVE WELLS, tributary to the COLUMBIA RIVER

Authorized Locations of the Wells:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	14 E	WM	11	SW SE	980 FEET NORTH AND 1950 FEET WEST FROM THE SE CORNER OF SECTION 11
15 S	14 E	WM	11	NE SW	2550 FEET NORTH AND 2550 FEET EAST FROM THE SW CORNER OF SECTION 11
15 S	14 E	WM	11	SW NE	2060 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER OF SECTION 11
15 S	14 E	WM	11	SW SE	1090 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER OF SECTION 11
15 S	14 E	WM	11	NE SW	2370 FEET NORTH AND 2550 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use to be Cancelled:

THE PORTION OF CERTIFICATE 80689 TO BE CANCELLED							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
15 S	14 E	WM	14	SE NE	5.0	102	WALKER

Conclusions of Law

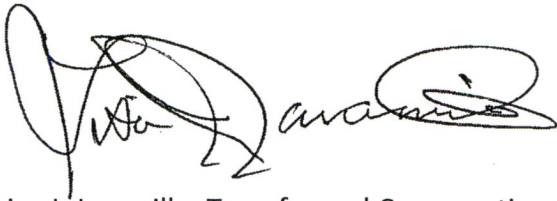
The proposed change in places of use as proposed in Transfer Application T-14133 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500, and the abandoned portion of Certificate 80689 should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed change in places of use to the water rights evidenced by Certificates 94956 and 76714 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-14133 shall no longer be irrigated and are cancelled from Certificates 94956 and 76714.

3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 94956 and 76714, and any related decree.
4. The portion of the water right as evidenced by Certificates 80689 as requested to be canceled is canceled. A new certificate will be issued describing the portions of the right not modified by this Final Order.
5. The district shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use shall be submitted by COID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Water right Certificates 94956 and 76714 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on MAR 21 2023.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: MAR 22 2023