OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-13549, Crook County)	APPROVING A CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

OREGON RANCHING CO. (TWIN BUTTES RANCH) 62400 PAULINA HWY POST, OR 97752

Findings of Fact

- 1. On November 18, 2020, OREGON RANCHING CO. (TWIN BUTTES RANCH) filed an application to change the places of use under Certificates 5065 and 80616. The Department assigned the application number T-13549.
- 2. Notice of the application for transfer was published on November 24, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On April 8, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13549 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 8, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 4. On September 22, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13549 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 27, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

This final order 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 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.

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

Certificate:

5065 in the name of ISIDOR B MEYER (perfected under Permit S-3972)

Use:

IRRIGATION of 33.3 ACRES

Priority Date:

JULY 24, 1918

Rate:

0.34 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, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent

in case of rotation.

Source:

CROOKED RIVER, tributary of DESCHUTES RIVER

Authorized Place of Use:

	IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres			
17 S	22 E	WM	9	NE SW	0.4			
17 S	22 E	WM	9	SE SW	10.6			
17 S	22 E	WM	9	SW SE	21.1			
17 S	22 E	WM	9	SE SE	1.0			
17 S	22 E	WM	16	NE NE	0.2			
	Total							

6. Transfer Application T-13549 proposes to change the place of use of the right to:

		IRRIGA	ΓΙΟΝ				
Twp	Rng	Mer	Sec	Q-Q	Acres		
17 S	22 E	WM	22	NE SE	31.5		
17 S	22 E	WM	22	SE NE	1.8		
	Total						

7. Certificate 5065 does not provide a description of the authorized point of diversion. The applicant submitted information in Transfer Application T-13549, which accurately describes the authorized point of diversion as follows:

Authorized Point of Diversion

Tw	р	Rng	Mer	Sec	Q-Q	Measured Distances
17	S	22 E	WM	22	NE SE	POD A –1700 FEET SOUTH AND 900 FEET EAST FROM THE N1/4 OF SECTION 22

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

Certificate:

80616 in the name of MEYER AND BROWN (confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in

Volume 1, at Page 449.

Use:

LIVESTOCK, DOMESTIC and IRRIGATION of 3.1 ACRES

Priority Date:

1900

Rate:

0.04 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 4.0 acre-feet per acre for each acre irrigated

during the irrigation season of each year (February 1 to December 1).

Period of Use:

February 1 to December 1

Source:

SOUTH FORK of CROOKED RIVER and CROOKED RIVER, tributaries of the

DESCHUTES RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	22 E	WM		CROOKED RIVER - UNSPECIFIED	
17 S	22 F	WM	23	SE NE	760 FEET NORTH AND 160 FEET WEST FROM THE
1/3	22 E	VVIVI	23	SE INE	E1/4 CORNER OF SECTION 23

Authorized Place of Use:

	LIVESTOCK, DOMESTIC, and IRRIGATION							
Twp	Twp Rng Mer Sec Q-Q Acres Priority Date							
17 S	22 E	WM	16	NW NE	3.1	1900		

9. Transfer Application T-13549 also proposes to change the place of use of the right to:

	LIVES	TOCK, D	OMES	TIC, and IRRI	GATION	, y16;
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
17 S	22 E	WM	22	NW SE	2.7	1900
17 S	22 E	WM	22	NE SE	0.4	1900
				Total	3.1	

Transfer Review Criteria [OAR 690-380-4010(2)]

- 10. Water has been used within the last five years.
- 11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13549.
- 12. The proposed changes would not result in enlargement of the rights.
- 13. The proposed changes would not result in injury to other water rights.
- 14. All other application requirements are met.

Determination and Proposed Action

The changes in places of use proposed in Transfer Application T-13549 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The changes in places of use proposed in Transfer Application T-13549 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 5065 and 80616 and any related decree.
- 3. Water right Certificates 5065 and 80616 are cancelled. New certificates will be issued describing the portion of the rights not affected by this transfer.
- 4. The former place of use of the transferred rights shall no longer receive water under the rights.
- 5. 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 prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
- 6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

MAR 2 1 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

Mailing date: MAR 2 2 2023