

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13971, Jefferson County	)	A DISTRICT PERMANENT TRANSFER FOR
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.570 through 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**

NORTH UNIT IRRIGATION DISTRICT  
2024 NW BEECH STREET  
MADRAS, OR 97741

**Findings of Fact**

1. On April 8, 2022, North Unit Irrigation District (NUID) filed a district transfer application to permanently change the places of use under Certificates 72279, 72281, 93422 and Permit S-54930. The Department assigned the application number T-13971.
2. Notice of the District Permanent Transfer Application was published on April 19, 2022, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On May 31, 2022, NUID submitted revised maps for certain proposed places of use, and a revised map for the authorized acres proposed to be transferred off.
4. On October 31, 2022, NUID amended the application to include in the transfer place of use for supplemental irrigation under a portion of Permit S-54930. Portions of this permit are layered with authorized primary irrigation under Transfer T-13971.
5. The portion of the first right to be transferred is as follows:  
**Certificate:** 72279 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected under Permit S-23196)  
**Use:** IRRIGATION of 104.10 acres

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).

**Priority Date:** FEBRUARY 28, 1913

**Rate / 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-FORTHIETH of one cubic foot per second (or its equivalent) and 5.25 acre-feet per acre during the irrigation season of each year, and is further subject to the terms and conditions of the State Engineer's Orders dated January 20, 1955 and February 4, 1955.

**Sources:** The DESCHUTES RIVER, WICKIUP RESERVOIR (constructed under Permit R-1677, and HAYSTACK RESERVOIR (constructed under Permit R-1754), tributaries to the COLUMBIA RIVER.

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	DESCHUTES RIVER: 1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
22 S	9 E	WM	7	SW NE	WICKIUP RESERVOIR – NONE GIVEN
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR – NONE GIVEN

**Authorized Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Taxlot	Water User	Notice
9 S	13 E	WM	26	SW NW		3.4	300	GRASSMAN TRUST	2021-01
9 S	13 E	WM	26	SE NW		3.1	300	GRASSMAN TRUST	2021-01
10 S	13 E	WM	10	NW NW		0.5	800	MAYNARD & FRANKEN	2021-18
10 S	13 E	WM	22	NE NE		0.4	100	GRASSMAN TRUST	2021-01
10 S	13 E	WM	22	NE NE		2.0	200	GRASSMANS TRUST	2021-01
10 S	13 E	WM	22	NW NE		2.4	200	GRASSMANS TRUST	2021-01
10 S	13 E	WM	22	SE NE		3.9	200	GRASSMANS TRUST	2021-01
10 S	14 E	WM	20	NW NE		1.0	200	FORRISTALL	2021-04
10 S	14 E	WM	20	NE NW		2.4	200	FORRISTALL	2021-04
10 S	14 E	WM	20	SW SW		0.5	400	FORRISTALL	2021-04
11 S	13 E	WM	10	SW NE		0.9	202	JASA	2021-07
11 S	13 E	WM	10	SW NE		2.0	201	SAVAGE	2021-08
11 S	13 E	WM	22	SW SW		3.2	1400	TEENY	2021-17
11 S	13 E	WM	23	SW SW		0.6	801	D B HOME SOLUTIONS LLC	2021-02
11 S	13 E	WM	28	NE SE		6.9	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	NE SE		6.8	2800	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	NW SE		12.4	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	SW SE		6.2	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	SE SE		3.6	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	SE SE		3.5	2800	HALE-CAMPBELL PROPERTIES	2021-19
12 S	12 E	WM	25	NE NW		1.6	208	MOSMEIER TRUST	2021-13
12 S	13 E	WM	16	NW NE		3.6	300	MACK	2021-09
12 S	13 E	WM	20	NW NW		1.5	300	ICKLER TRUST	2021-20
12 S	13 E	WM	20	NW NW		10.0	300	ICKLER TRUST	2021-21
12 S	13 E	WM	20	NW NW		9.4	300	ICKLER TRUST	2021-22

ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, tributary to the Deschutes River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE W¼ CORNER OF SECTION 13

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Taxlot	Water User	Notice
9 S	13 E	WM	26	SW NW		3.4	300	GRASSMAN TRUST	2021-01
9 S	13 E	WM	26	SE NW		3.1	300	GRASSMAN TRUST	2021-01
10 S	13 E	WM	10	NW NW		0.5	800	MAYNARD & FRANKEN	2021-18
10 S	13 E	WM	22	NE NE		0.4	100	GRASSMAN TRUST	2021-01
10 S	13 E	WM	22	NE NE		2.0	200	GRASSMANS TRUST	2021-01
10 S	13 E	WM	22	NW NE		2.4	200	GRASSMANS TRUST	2021-01
10 S	13 E	WM	22	SE NE		3.9	200	GRASSMANS TRUST	2021-01
10 S	14 E	WM	20	NW NE		1.0	200	FORRISTALL	2021-04
10 S	14 E	WM	20	NE NW		2.4	200	FORRISTALL	2021-04
10 S	14 E	WM	20	SW SW		0.5	400	FORRISTALL	2021-04
11 S	13 E	WM	10	SW NE		0.9	202	JASA	2021-07
11 S	13 E	WM	10	SW NE		2.0	201	SAVAGE	2021-08
11 S	13 E	WM	22	SW SW		3.2	1400	TEENY	2021-17
11 S	13 E	WM	23	SW SW		0.6	801	D B HOME SOLUTIONS LLC	2021-02
11 S	13 E	WM	28	NE SE		6.9	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	NE SE		6.8	2800	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	NW SE		12.4	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	SW SE		6.2	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	SE SE		3.6	900	HALE-CAMPBELL PROPERTIES	2021-19
11 S	13 E	WM	28	SE SE		3.5	2800	HALE-CAMPBELL PROPERTIES	2021-19
12 S	12 E	WM	25	NE NW		1.6	208	MOSMEIER TRUST	2021-13
12 S	13 E	WM	16	NW NE		3.6	300	MACK	2021-09
12 S	13 E	WM	20	NW NW		1.5	300	ICKLER TRUST	2021-20
12 S	13 E	WM	20	NW NW		10.0	300	ICKLER TRUST	2021-21
12 S	13 E	WM	20	NW NW		9.4	300	ICKLER TRUST	2021-22
12 S	13 E	WM	20	SW NW		0.3	300	ICKLER TRUST	2021-01
13 S	12 E	WM	12	NW NW	4	12.0	300	IVERSON RLT	2021-22
<b>Total</b>						<b>104.1</b>			

8. Transfer Application T-13971 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	
10 S	13 E	WM	10	NE NW	0.2	200	SAMSEL	2021-18	
10 S	13 E	WM	10	NW NW	0.3	200	SAMSEL	2021-18	

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Taxlot	Water User	Notice
12 S	13 E	WM	20	SW NW		0.3	300	ICKLER TRUST	2021-01
13 S	12 E	WM	12	NW NW	4	12.0	300	IVERSON RLT	2021-22
<b>Total</b>						<b>104.1</b>			

6. Transfer Application T-13971 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	
10 S	13 E	WM	10	NE NW	0.2	200	SAMSEL	2021-18	
10 S	13 E	WM	10	NW NW	0.3	200	SAMSEL	2021-18	
10 S	13 E	WM	21	NE SE	1.5	400	ZEHR	2021-20	
10 S	13 E	WM	22	NE NE	3.5	102	GRASSMAN TRUST	2021-01	
10 S	13 E	WM	22	NW NE	11.7	200	GRASSMAN TRUST	2021-01	
10 S	14 E	WM	20	NE SW	2.2	400	FORRISTALL	2021-04	
10 S	14 E	WM	20	SW SW	1.7	400	FORRISTALL	2021-04	
10 S	14 E	WM	34	SW NW	3.6	1300	BAGGETT	2021-09	
11 S	13 E	WM	22	SW SE	0.6	1700	MENDÉZ REVOCABLE TRUST	2021-03	
11 S	13 E	WM	25	NE SW	3.2	305	KOOLHAAS SURVIVOR'S TRUST	2021-17	
11 S	13 E	WM	25	NE SW	0.6	305	KOOLHAAS SURVIVOR'S TRUST	2021-16	
11 S	13 E	WM	25	NW SW	5.4	305	KOOLHAAS SURVIVOR'S TRUST	2021-16	
11 S	13 E	WM	25	NW SW	0.9	305	KOOLHAAS SURVIVOR'S TRUST	2021-07	
11 S	13 E	WM	25	NW SW	2.0	305	KOOLHAAS SURVIVOR'S TRUST	2021-08	
11 S	13 E	WM	25	SW SW	6.0	305	KOOLHAAS SURVIVOR'S TRUST	2021-16	
11 S	13 E	WM	28	NE SW	4.4	400	AMERICAN INVESTING LLC	2021-19	
11 S	13 E	WM	28	SE SW	27.6	400	AMERICAN INVESTING LLC	2021-19	
11 S	13 E	WM	28	NW SE	1.9	400	AMERICAN INVESTING LLC	2021-19	
11 S	13 E	WM	28	SW SE	5.5	400	AMERICAN INVESTING LLC	2021-19	
11 S	13 E	WM	29	NE SW	1.8	400	ZEHR	2021-21	
11 S	13 E	WM	29	NW SW	8.2	400	ZEHR	2021-21	
12 S	12 E	WM	25	NW NW	1.6	206	TICHENOR	2021-13	
13 S	12 E	WM	11	NE SW	2.9	200	DERSTINE	2021-22	
13 S	12 E	WM	11	NW SW	6.8	200	DERSTINE	2021-22	
<b>Total</b>						<b>104.1</b>			

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

**Certificate:** 72281 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected under Permit S-25921)

**Use:** SUPPLEMENTAL IRRIGATION of 104.10 acres

**Priority Date:** JUNE 23, 1955

**Rate / 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

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
10 S	13 E	WM	21	NE SE	1.5	400	ZEHR	2021-20
10 S	13 E	WM	22	NE NE	3.5	3.5	GRASSMAN TRUST	2021-01
10 S	13 E	WM	22	NW NE	11.7	200	GRASSMAN TRUST	2021-01
10 S	14 E	WM	20	NE SW	2.2	400	FORRISTALL	2021-04
10 S	14 E	WM	20	SW SW	1.7	400	FORRISTALL	2021-04
10 S	14 E	WM	34	SW NW	3.6	1300	BAGGETT	2021-09
11 S	13 E	WM	22	SW SE	0.6	1700	MENDEZ REVOCABLE TRUST	2021-03
11 S	13 E	WM	25	NE SW	3.2	305	KOOLHAAS SURVIVOR'S TRUST	2021-17
11 S	13 E	WM	25	NE SW	0.6	305	KOOLHAAS SURVIVOR'S TRUST	2021-16
11 S	13 E	WM	25	NW SW	5.4	305	KOOLHAAS SURVIVOR'S TRUST	2021-16
11 S	13 E	WM	25	NW SW	0.9	305	KOOLHAAS SURVIVOR'S TRUST	2021-07
11 S	13 E	WM	25	NW SW	2.0	305	KOOLHAAS SURVIVOR'S TRUST	2021-08
11 S	13 E	WM	25	SW SW	6.0	305	KOOLHAAS SURVIVOR'S TRUST	2021-16
11 S	13 E	WM	28	NE SW	4.4	400	AMERICAN INVESTING LLC	2021-19
11 S	13 E	WM	28	SE SW	27.6	400	AMERICAN INVESTING LLC	2021-19
11 S	13 E	WM	28	NW SE	1.9	400	AMERICAN INVESTING LLC	2021-19
11 S	13 E	WM	28	SW SE	5.5	400	AMERICAN INVESTING LLC	2021-19
11 S	13 E	WM	29	NE SW	1.8	400	ZEHR	2021-21
11 S	13 E	WM	29	NW SW	8.2	400	ZEHR	2021-21
12 S	12 E	WM	25	NW NW	1.6	206	TICHENOR	2021-13
13 S	12 E	WM	11	NE SW	2.9	200	DERSTINE	2021-22
13 S	12 E	WM	11	NW SW	6.8	200	DERSTINE	2021-22
<b>Total</b>					<b>104.1</b>			

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

**Certificate:** 93422 in the name of NORTH UNIT IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

**Use:** IRRIGATION of 53.8 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  
 Season 2: May 1 through May 14 & September 15 through September 30  
 Season 3: May 15 through September 14

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

Season 1: Limited to 1.64 cfs per acre with priority date 10/31/1900  
 Season 2: Limited to 2.186 cfs per acre with priority date 10/31/1900  
 Season 3: Limited to 2.885 cfs per acre with priority date 10/31/1900 and 1.164 cfs per acre with priority date 12/02/1907

**Maximum Duty that can be applied to an acre:**

Limited to a diversion of not to exceed 2.5 acre-feet per acre and further limited to an annual volume of 134.5 acre-feet.

**Source:** The Deschutes River, tributary to the Columbia River

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SENE	NUID CANAL: 1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
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	GLot	Acres	Taxlot	Water User	Notice
12 S	13 E	WM	16	NW NE		13.9	300	MACK	2021-09
12 S	13 E	WM	16	NW NE		2.5	301	STANDLEY	2021-09
12 S	13 E	WM	16	NW NE		3.4	302	TOLMAN	2021-10
12 S	13 E	WM	16	NE NW		30.9	300	MACK	2021-10
12 S	13 E	WM	16	NE NW		1.0	301	STADLEY	2021-11
12 S	13 E	WM	16	NE NW		0.1	301	TOLMAN	2021-11
13 S	12 E	WM	12	SW NW	5	2.0	300	IVERSON RLT	2021-16
<b>Total</b>						<b>53.8</b>			

10. Transfer Application T-13971 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice	
10 S	14 E	WM	34	SW NW	4.5	1300	BAGGETT	2021-09	
10 S	14 E	WM	34	SW NW	3.5	1300	BAGGETT	2021-09	
10 S	14 E	WM	34	SW NW	3.5	1300	BAGGETT	2021-09	
10 S	14 E	WM	34	NW SW	25.3	1300	BAGGETT	2021-10	
10 S	14 E	WM	34	SW SW	15.0	1300	BAGGETT	2021-11	
11 S	13 E	WM	25	SW NW	2.0	305	KOOLHAAS SURVIVOR'S TRUST	2021-16	
<b>Total</b>						<b>53.8</b>			

11. The portion of the fourth right to be transferred is as follows:

**Permit:** S-54930 in the names of CENTAL OREGON IRRIGATION DISTRICT and NORTH UNIT IRRIGATION DISTRICT

**Use:** SUPPLEMENTAL IRRIGATION of 53.8 acres

**Priority Date:** FEBRUARY 4, 2015

**Rate / 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 a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** Crane Prairie Reservoir (Permit R-1687), tributary to the West Fork Deschutes River

**Authorized Points of Re-Diversion:**

Twps	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	24	NW NE	432 FEET SOUTH AND 1850 FEET WEST FROM THE NE CORNER OF SECTION 24
17 S	12 E	WM	29	SE NE	850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION									
Twps	Rng	Mer	Sec	Q-Q	GLot	Acres	Taxlot	Water User	Notice
12 S	13 E	WM	16	NW NE		13.9	300	MACK	2021-09
12 S	13 E	WM	16	NW NE		2.5	301	STANDLEY	2021-09
12 S	13 E	WM	16	NW NE		3.4	302	TOLMAN	2021-10
12 S	13 E	WM	16	NE NW		30.9	300	MACK	2021-10
12 S	13 E	WM	16	NE NW		1.0	301	STADLEY	2021-11
12 S	13 E	WM	16	NE NW		0.1	301	TOLMAN	2021-11
13 S	12 E	WM	12	SW NW	5	2.0	300	IVERSON RLT	2021-16
<b>Total</b>						<b>53.8</b>			

12. Transfer Application T-13971 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twps	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
10 S	14 E	WM	34	SW NW	4.5	1300	BAGGETT	2021-09
10 S	14 E	WM	34	SW NW	3.5	1300	BAGGETT	2021-09
10 S	14 E	WM	34	SW NW	3.5	1300	BAGGETT	2021-09
10 S	14 E	WM	34	NW SW	25.3	1300	BAGGETT	2021-10
10 S	14 E	WM	34	SW SW	15.0	1300	BAGGETT	2021-11
11 S	13 E	WM	25	SW NW	2.0	305	KOOLHAAS SURVIVOR'S TRUST	2021-16
<b>Total</b>					<b>53.8</b>			

13. 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.

14. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.

15. The water right is subject to transfer as defined in OAR 690-385-0100(17).

16. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
17. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
18. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

**Conclusions of Law**

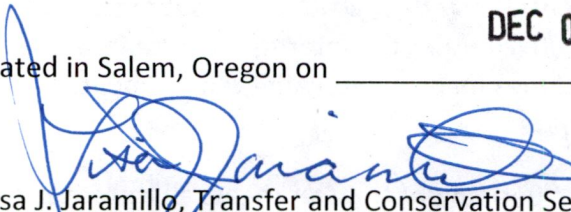
The proposed changes in place of use as proposed in Transfer Application T-13971 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

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

1. The proposed changes in place of use to the water rights evidenced by Certificates 72279, 72281, 93422, and Permit S-54930 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-13971 shall no longer be irrigated, and are cancelled from Certificates 72279, 72281, 93422, and Permit S-54930.
3. The right to the use of the water at the places of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 72279, 72281, 93422, and Permit S-54930.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
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 shall be submitted by NUID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Permit S-54930 is modified as described in Finding of Fact #11.
7. Water right Certificates 72279, 72281 and 93422 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.

**DEC 06 2022**

Dated in Salem, Oregon on \_\_\_\_\_

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

Mailing Date: **DEC 07 2022**