

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-12813, Crook 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

OCHOCO IRRIGATION DISTRICT
1001 NW DEER STREET
PRINEVILLE, OR 97754

Findings of Fact

1. On December 29, 2017, OCHOCO Irrigation District (OID) filed a district transfer application to permanently change the place of use under Certificates 82246, and 82247. The Department assigned the application number T-12813.
2. Notice of the District Permanent Transfer Application was published on January 9, 2018, 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 January 9, 2018; no comments were received within 60 days of the notification.
4. On April 23, 2018, OID amended the application to include non-noticed lands.
5. The portion of the first right to be transferred is as follows:
Certificate: 82246 in the name of OCHOCO IRRIGATION DISTRICT (perfected under Permit S-5426)
Use: IRRIGATION of 1.9 acres
Priority Dates: MARCH 13, 1916 (McKay Creek), and AUGUST 10, 1917 (all other sources named on the water right)
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

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.

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).

ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Sources: The OCHOCO, MCKAY, DRY, LYTLE AND JOHNSON CREEKS, and ALL WASTE WATER AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS, and OCHOCHO RESERVOIR (constructed under Permit R-528), all tributary to the CROOKED RIVER.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL POD 1: 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
15 S	16 E	WM	4	NE NW	1.9	4800	TRIBBY	2-17

6. Transfer Application T-12813 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	16 E	WM	26	NW NW	1.9	200	PETERSON	2-17

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

Certificate: 82247 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25991)

Use: IRRIGATION of 27.0 acres

Priority Date: APRIL 8, 1914

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-FORTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage.

Sources: CROOKED RIVER and PRINEVILLE RESERVOIR (constructed under Permit R-2223), tributary to the CROOKED RIVER

Authorized Points of Diversion:

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

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	26	NE NW	1.0	400	WILLIAMS RANCH PROPERTIES,	N/A

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	26	NE NW	5.4	500	WILLIAMS RANCH PROPERTIES,	N/A
14 S	15 E	WM	26	SE NW	16.0	500	WILLIAMS RANCH PROPERTIES,	N/A
15 S	16 E	WM	05	SW SW	4.6	13300	COUNTY OF CROOK	1-17
Total:					27.0			

8. Transfer Application T-12813 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
13 S	15E	WM	33	SE NW	5.0	109	DEHLER	N/A
13 S	15E	WM	33	NE SW	2.0	109	DEHLER	N/A
14S	15 E	WM	06	SW NE	0.9	200	GUTHRIE	N/A
14S	15 E	WM	06	SE NE	11.5	200	GUTHRIE	N/A
15 S	16 E	WM	5	SW SW	4.6	12900	COUNTY OF CROOK	1-17
15S	16 E	WM	16	NW NE	0.2	814	WILKINSON	N/A
15S	16 E	WM	16	SW NE	2.8	814	WILKINSON	N/A
Total:					27.0			

9. 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 OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
10. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
11. The water right is subject to transfer as defined in OAR 690-385-0100(17).
12. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
13. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
14. 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-12813 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 82246 and 82247 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 82246 and 82247.

3. The place of use from which the water right is removed by T-12813 shall no longer be irrigated under the transferred right.
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, 2019**. A Claim of Beneficial Use shall be submitted by OID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 82246 and 82247 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on APR 25 2018



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: APR 26 2018