

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-11713, Deschutes County                            )     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**

ARNOLD IRRIGATION DISTRICT  
19604 BUCK CANYON RD  
BEND, OR 97702

**Findings of Fact**

1. On January 9, 2014, Arnold Irrigation District (AID) filed a district transfer application to permanently change the place of use under Certificates 74197 and 76714. The Department assigned the application number T-11713.
2. Notice of the application for transfer was published on January 14, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:  
**Certificate:** 74197, issued in the name of Arnold Irrigation District (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)  
**Use:** Irrigation of 25.41 acres  
**Priority Date:** February 1, 1905 and April 25, 1905  
**Source:** the Deschutes River, a tributary of the Columbia River  
**Rate:** Limited to not more than the rate specified by source and a total diversion not to exceed 125.0 cfs from all sources.  
**Source:** Deschutes River, tributary to the Columbia River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	POD #	Measured Distance
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

This is a final 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.

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
18S	11E	WM	23	NE SE	4200	0.58	AID	T-2013-002-F-D
18S	11E	WM	23	NE SE	3500	0.25	AID	T-2013-005-F-B
18S	11E	WM	24	SW SW	1300	0.06	AID	T-2013-001-F-C
18S	11E	WM	23	SE SE	4600	0.17	AID	T-2013-002-F-B
18S	11E	WM	23	SE SE	9600	0.50	AID	T-2013-002-F-C
18S	11E	WM	24	NW SW	1300	0.42	AID	T-2013-001-F-C
18S	11E	WM	24	NW SW	1200	0.50	AID	T-2013-005-F-G
18S	11E	WM	24	NE SE	7300	0.30	AID	T-2013-007-F-D
18S	11E	WM	24	SW SW	1700	0.35	Varnum	T-2013-002-F-A
18S	11E	WM	24	NE SE	7400	0.20	AID	T-2013-007-F-D
18S	11E	WM	24	SE SW	4000	0.32	AID	T-2013-007-F-E
18S	11E	WM	25	NW NW	4700	0.20	AID	T-2013-005-F-J
18S	11E	WM	25	NW NW	400	0.40	AID	T-2013-005-F-H
18S	11E	WM	25	NE NW	2000	0.25	AID	T-2013-007-F-B
18S	11E	WM	26	NE NE	3000	0.50	AID	T-2013-007-F-F
18S	11E	WM	26	NE NE	5900	0.50	AID	T-2013-005-F-C
18S	11E	WM	26	NE NE	5300	0.24	AID	T-2013-005-F-F
18S	11E	WM	26	NW NE	8000	0.50	AID	T-2013-007-F-C
18S	12E	WM	8	NE NE	405	0.20	AID	T-2013-005-F-I
18S	12E	WM	8	NW NE	301	0.75	AID	T-2013-007-F-A
18S	12E	WM	8	SW NW	2200	0.78	AID	T-2013-001-F-B
18S	12E	WM	8	SW NW	4400	0.25	J. L. WARD CO	T-2013-003-F-A
18S	12E	WM	8	SE NW	4000	0.40	J. L. WARD CO	T-2013-003-F-B
18S	12E	WM	8	NW SW	4400	0.25	J. L. WARD CO	T-2013-003-F-A
18S	12E	WM	9	NE NE	100	0.80	AID	T-2013-002-F-J
18S	12E	WM	9	NE NE	102	0.70	AID	T-2013-002-F-K
18S	12E	WM	9	NE SW	205	0.25	AID	T-2013-002-F-F
18S	12E	WM	9	NE SW	400	0.50	AID	T-2013-002-F-G
18S	12E	WM	9	NE SW	200	0.15	AID	T-2013-002-F-H
18S	12E	WM	9	NE SW	202	0.35	AID	T-2013-002-F-I
18S	12E	WM	9	NW NW	1300	1.14	AID	T-2013-002-F-L
18S	12E	WM	9	NW NW	405	0.20	AID	T-2013-005-F-I
18S	12E	WM	9	SW NW	603	0.74	AID	T-2013-001-F-A
18S	12E	WM	9	SW NW	1300	2.00	AID	T-2013-002-F-L
18S	12E	WM	9	NW SW	800	0.81	AID	T-2013-002-F-E
18S	12E	WM	12	SE NE	201	2.46	MCCANN	T-2013-008-F
18S	12E	WM	13	SE NE	201	1.00	HANSEN	T-2013-004-F
18S	12E	WM	17	NW NE	906	0.30	AID	T-2013-005-F-A
18S	12E	WM	17	NW NE	1002	0.50	AID	T-2013-005-F-D
18S	12E	WM	17	NE NW	906	0.20	AID	T-2013-005-F-A
18S	12E	WM	17	NE NW	1001	0.50	AID	T-2013-005-F-E
18S	12E	WM	21	NE SW	4500	0.23	LOCKREM	T-2013-009-F-A
18S	12E	WM	21	SE SW	4500	0.13	LOCKREM	T-2013-009-F-B
18S	12E	WM	24	SE NE	1200	0.90	BURGIN	T-2013-002-F-M
18S	12E	WM	24	SE NE	1201	1.75	KERINS	T-2013-002-F-N
18S	13E	WM	19	NE NW	301	0.93	ALOTTA	T-2013-006-F
<b>Total:</b>						<b>25.41</b>		

3. Transfer Application T-11713 proposes to change the place of use to:

**Proposed Place of Use**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
18S	11E	WM	24	SE SW	6000	3.99	WARCHOL	T-2013-005-N
18S	12E	WM	1	NE SE	102	0.96	OLAMENDI-SMITH	T-2013-007-N-A
18S	12E	WM	12	SE NE	201	2.46	MCCANN	T-2013-008-N
18S	12E	WM	13	SE NE	201	1.00	HANSEN	T-2013-004-N
18S	12E	WM	20	NW SW	4404	0.90	J. L. WARD CO	T-2013-003-N
18S	12E	WM	21	NE SW	4500	0.10	LOCKREM	T-2013-009-N-A
18S	12E	WM	21	SE SW	4500	0.26	LOCKREM	T-2013-009-N-B
18S	12E	WM	22	SE SW	2100	0.54	FERGUSON FAMILY TRUST	T-2013-001-N-A
18S	12E	WM	24	SE NE	1200	10.95	BURGIN	T-2013-002-N
18S	12E	WM	27	NE NW	2000	1.46	FERGUSON FAMILY TRUST	T-2013-001-N-B
18S	13E	WM	06	NW SW	1101	1.86	OLAMENDI-SMITH	T-2013-007-N-B
18S	13E	WM	19	NE NW	301	0.93	ALLOTA	T-2013-006-N
<b>Total:</b>						<b>25.41</b>		

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

**Certificate:** 76714, issued in the names of Central Oregon Irrigation District, Arnold Irrigation District and Crook County Improvement District (perfected under Permit S-23256)

**Use:** Supplemental Irrigation of 25.41 acres.

**Priority Date:** February 28, 1913

**Rate & Duty:** The right is limited to a total of 50,000 acre-feet of stored water

**Source:** Crane Prairie Reservoir, tributary to the Deschutes River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	POD#	Measured Distance
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
18S	11E	WM	23	NE SE	4200	0.58	AID	T-2013-002-F-D
18S	11E	WM	23	NE SE	3500	0.25	AID	T-2013-005-F-B
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18S	12E	WM	17	NE NW	906	0.20	AID	T-2013-005-F-A
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18S	12E	WM	21	NE SW	4500	0.23	LOCKREM	T-2013-009-F-A
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18S	12E	WM	12	SE NE	201	2.46	MCCANN	T-2013-008-N
18S	12E	WM	13	SE NE	201	1.00	HANSEN	T-2013-004-N
18S	12E	WM	20	NW SW	4404	0.90	J. L. WARD CO	T-2013-003-N
18S	12E	WM	21	NE SW	4500	0.10	LOCKREM	T-2013-009-N-A

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18S	12E	WM	22	SE SW	2100	0.54	FERGUSON FAMILY	T-2013-001-N-A
18S	12E	WM	24	SE NE	1200	10.95	BURGIN	T-2013-002-N
18S	12E	WM	27	NE NW	2000	1.46	FERGUSON FAMILY	T-2013-001-N-B
18S	13E	WM	06	NW SW	1101	1.86	OLAMENDI-SMITH	T-2013-007-N-B
18S	13E	WM	19	NE NW	301	0.93	ALLOTA	T-2013-006-N
						<b>Total</b>	<b>25.41</b>	

7. 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.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed changes in place of use would not result in enlargement of the rights.
10. The proposed changes in place of use would not result in injury to other water rights.

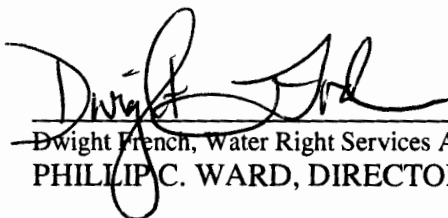
**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-11713 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 74197 and 76714 are approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 74197 and 76714 and any related decree.
3. The former places of use shall no longer be irrigated as part of this water right.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. A Claim of Beneficial Use shall be submitted by Arnold Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. Certificates 74197 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 4 day of April, 2014.

  
 \_\_\_\_\_  
 Dwight French, Water Right Services Administrator for  
 PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 17 2014