

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

| | | |
|---------------------------------------|---|-------------------------------------|
| In the Matter of Transfer Application |) | SUPERSEDING FINAL ORDER APPROVING A |
| T-14213, Deschutes and Crook Counties |) | DISTRICT PERMANENT TRANSFER FOR |
| |) | PLACE OF USE AND CORRECTING ERRORS |
| |) | IN THE PREVIOUS ORDER |

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 April 10, 2023, 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-14213.
2. Notice of the District Permanent Transfer Application was published on April 18, 2023, 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 April 18, 2023; no comments were received within 90 days of the notification.
4. On July 31, 2023, the Department issued a Final Order approving Transfer T-14213, recorded at Special Order Volume 128, Pages 814-819. Scrivener's errors were found by COID in Findings of Facts #5 and #7. This order is issued to supersede the Final Order issued July 31, 2023. Corrections are shown in ***bold italics*** font.

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).

5. 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 34.63 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 1/80 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 |
| 15 S | 12 E | WM | 25 | NE NE | 0.91 | 105 | KING, TRUSTEES | 2023-007 | 11 |
| 15 S | 13 E | WM | 3 | NW SW | 0.90 | 1400 | COID - QUITCLAIM | 2023-001 | 11 |
| 15 S | 14 E | WM | 13 | SW NW | 0.79 | 300 | COX | 2023-008 | 1 |
| 15 S | 14 E | WM | 13 | SE NW | 0.21 | 300 | COX | 2023-008 | 1 |
| 15 S | 15 E | WM | 18 | NE NE | 1.71 | 100 | FISHER | 2023-006 | 1 |
| 17 S | 12 E | WM | 27 | SW SW | 3.04 | 4100 | KELLY - QUITCLAIM | 2023-010 | 1 |
| 17 S | 12 E | WM | 27 | SE SW | 7.40 | 4100 | KELLY - QUITCLAIM | 2023-010 | 1 |
| 17 S | 12 E | WM | 28 | NW SE | 0.52 | 900 | ELLIS | 2023-009 | 1 |
| 17 S | 12 E | WM | 28 | NW SE | 0.45 | 801 | ELLIS | 2023-009 | 1 |
| 17 S | 12 E | WM | 28 | NW SE | 0.15 | 701 | ELLIS | 2023-009 | 1 |
| 17 S | 12 E | WM | 28 | NW SE | 0.70 | 800 | ELLIS | 2023-009 | 1 |
| 17 S | 12 E | WM | 28 | NW SE | 0.39 | 700 | ELLIS | 2023-009 | 1 |
| 17 S | 13 E | WM | 31 | SE SW | 0.52 | 2000 | ASHLEY BC TEBAUT TRUSTEE | 2023-004 | 1 |
| 17 S | 13 E | WM | 34 | SE SW | 1.29 | 300 | MATTEIS | 2023-005 | 1 |
| 17 S | 14 E | WM | 24 | NW NW | 5.98 | 400 | LITTLETON TRUST | 2023-009 | 1 |

| IRRIGATION | | | | | | | | | |
|--------------|------|-----|-----|-------|--------------|--------|-----------------------|----------|-----|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Taxlot | Water User | Notice | POD |
| 18 S | 13 E | WM | 2 | NE SE | 0.31 | 100 | ALEC HAMILTON TRUST | 2023-003 | 1 |
| 18 S | 13 E | WM | 3 | SW NE | 0.45 | 700 | COID QUITCLAIM | 2023-009 | 1 |
| 18 S | 13 E | WM | 10 | NW NE | 0.20 | 102 | WEBER | 2023-011 | 1 |
| 18 S | 13 E | WM | 10 | SW NE | 0.61 | 102 | WEBER | 2023-011 | 1 |
| 18 S | 13 E | WM | 10 | SE NE | 1.50 | 102 | WEBER | 2023-011 | 1 |
| 18 S | 13 E | WM | 11 | SE NE | 0.29 | 407 | RAUCH \ BARNES | 2023-002 | 1 |
| 18 S | 13 E | WM | 11 | SE NE | 0.56 | 406 | RAUCH \ BARNES | 2023-002 | 1 |
| 18 S | 14 E | WM | 7 | NE NE | 0.50 | 402 | KELLY REVOCABLE TRUST | 2023-010 | 1 |
| 18 S | 14 E | WM | 7 | SE NE | 5.25 | 402 | KELLY REVOCABLE TRUST | 2023-010 | 1 |
| TOTAL | | | | | 34.63 | | | | |

6. Transfer Application T-14213 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 |
| 15 S | 12 E | WM | 25 | NE NE | 0.91 | 105 | KING, TRUSTEES | 2023-007 | 11 |
| 15 S | 15 E | WM | 5 | NW SW | 1.00 | 102 | HOLLIDAY REVOCABLE TRUST | 2023-008 | 1 |
| 15 S | 15 E | WM | 18 | NE NE | 1.71 | 100 | FISHER | 2023-006 | 1 |
| 17 S | 12 E | WM | 11 | NW NE | 0.90 | 2100 | DESCHUTES MARKET LLC | 2023-001 | 11 |
| 17 S | 13 E | WM | 31 | SE SW | 0.52 | 2000 | ASHLEY BC TEBAUT, TRUSTEE | 2023-004 | 1 |
| 17 S | 13 E | WM | 34 | SE SW | 1.29 | 300 | MATTEIS | 2023-005 | 1 |
| 17 S | 14 E | WM | 24 | NW NW | 7.44 | 400 | LITTLETON TRUST | 2023-009 | 1 |
| 18 S | 13 E | WM | 2 | NE SE | 0.31 | 100 | ALEC HAMILTON TRUST | 2023-003 | 1 |
| 18 S | 13 E | WM | 4 | NW NE | 1.20 | 700 | SIMPSON | 2023-009 | 1 |
| 18 S | 13 E | WM | 10 | SW NE | 0.31 | 102 | WEBER | 2023-011 | 1 |
| 18 S | 13 E | WM | 10 | SE NE | 2.00 | 102 | WEBER | 2023-011 | 1 |
| 18 S | 13 E | WM | 11 | SE NE | 0.85 | 406 | RAUCH / BARNES | 2023-002 | 1 |
| 18 S | 14 E | WM | 7 | SE NE | 13.94 | 402 | KELLY REVOCABLE TRUST | 2023-010 | 1 |
| 18 S | 14 E | WM | 7 | NE SE | 2.25 | 402 | KELLY REVOCABLE TRUST | 2023-010 | 1 |
| TOTAL | | | | | 34.63 | | | | |

7. 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 34.63 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 |
| 15 S | 12 E | WM | 25 | NE NE | 0.91 | 105 | KING, TRUSTEES | 2023-007 |
| 15 S | 13 E | WM | 3 | NW SW | 0.90 | 1400 | COID - QUITCLAIM | 2023-001 |
| 15 S | 14 E | WM | 13 | SW NW | 0.79 | 300 | COX | 2023-008 |
| 15 S | 14 E | WM | 13 | SE NW | 0.21 | 300 | COX | 2023-008 |
| 15 S | 15 E | WM | 18 | NE NE | 1.71 | 100 | FISHER | 2023-006 |
| 17 S | 12 E | WM | 27 | SW SW | 3.04 | 4100 | KELLY - QUITCLAIM | 2023-010 |
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| 17 S | 12 E | WM | 28 | NW SE | 0.70 | 800 | ELLIS | 2023-009 |
| 17 S | 12 E | WM | 28 | NW SE | 0.39 | 700 | ELLIS | 2023-009 |
| 17 S | 13 E | WM | 31 | SE SW | 0.52 | 2000 | ASHLEY BC TEBAULT TRUSTEE | 2023-004 |
| 17 S | 13 E | WM | 34 | SE SW | 1.29 | 300 | MATTEIS | 2023-005 |
| 17 S | 14 E | WM | 24 | NW NW | 5.98 | 400 | LITTLETON TRUST | 2023-009 |
| 18 S | 13 E | WM | 2 | NE SE | 0.31 | 100 | ALEC HAMILTON TRUST | 2023-003 |
| 18 S | 13 E | WM | 3 | NW SW | 0.45 | 700 | COID QUITCLAIM | 2023-009 |
| 18 S | 13 E | WM | 10 | NW NE | 0.20 | 102 | WEBER | 2023-011 |
| 18 S | 13 E | WM | 10 | SW NE | 0.61 | 102 | WEBER | 2023-011 |
| 18 S | 13 E | WM | 10 | SE NE | 1.50 | 102 | WEBER | 2023-011 |
| 18 S | 13 E | WM | 11 | SE NE | 0.29 | 407 | RAUCH \ BARNES | 2023-002 |
| 18 S | 13 E | WM | 11 | SE NE | 0.56 | 406 | RAUCH \ BARNES | 2023-002 |
| 18 S | 14 E | WM | 7 | NE NE | 0.50 | 402 | KELLY REVOCABLE TRUST | 2023-010 |
| 18 S | 14 E | WM | 7 | SE NE | 5.25 | 402 | KELLY REVOCABLE TRUST | 2023-010 |
| TOTAL | | | | | 34.63 | | | |

8. Transfer Application T-14213 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 |
| 15 S | 12 E | WM | 25 | NE NE | 0.91 | 105 | KING, TRUSTEES | 2023-007 |
| 15 S | 15 E | WM | 5 | NW SW | 1.00 | 102 | HOLLIDAY REVOCABLE TRUST | 2023-008 |
| 15 S | 15 E | WM | 18 | NE NE | 1.71 | 100 | FISHER | 2023-006 |
| 17 S | 12 E | WM | 11 | NW NE | 0.90 | 2100 | DESCHUTES MARKET LLC | 2023-001 |
| 17 S | 13 E | WM | 31 | SE SW | 0.52 | 2000 | ASHLEY BC TEBAULT, TRUSTEE | 2023-004 |
| 17 S | 13 E | WM | 34 | SE SW | 1.29 | 300 | MATTEIS | 2023-005 |

| SUPPLEMENTAL IRRIGATION | | | | | | | | |
|-------------------------|------|-----|-----|-------|--------------|--------|-----------------------|----------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Taxlot | Water User | Notice |
| 17 S | 14 E | WM | 24 | NW NW | 7.44 | 400 | LITTLETON TRUST | 2023-009 |
| 18 S | 13 E | WM | 2 | NE SE | 0.31 | 100 | ALEC HAMILTON TRUST | 2023-003 |
| 18 S | 13 E | WM | 4 | NW NE | 1.20 | 700 | SIMPSON | 2023-009 |
| 18 S | 13 E | WM | 10 | SW NE | 0.31 | 102 | WEBER | 2023-011 |
| 18 S | 13 E | WM | 10 | SE NE | 2.00 | 102 | WEBER | 2023-011 |
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| 18 S | 14 E | WM | 7 | SE NE | 13.94 | 402 | KELLY REVOCABLE TRUST | 2023-010 |
| 18 S | 14 E | WM | 7 | NE SE | 2.25 | 402 | KELLY REVOCABLE TRUST | 2023-010 |
| TOTAL | | | | | 34.63 | | | |

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

Conclusions of Law

The proposed change in places of use as proposed in Transfer Application T-14213 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

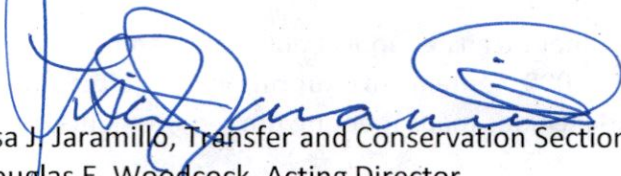
Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 128, Pages 814-819, is withdrawn and of no further force and effect and is superseded by this order.
2. The proposed change in places of use to the water rights evidenced by Certificates 94956 and 76714 are approved.
3. The places of use from which the water rights are transferred off by Transfer T-14213 shall no longer be irrigated and are cancelled from Certificates 94956 and 76714.
4. 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.
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.

SEP 27 2023

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: **SEP 28 2023**