

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11338, Jefferson County) DISTRICT PERMANENT TRANSFER

Authority

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

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

Findings of Fact

1. On December 28, 2011, North Unit Irrigation District filed a district transfer application to permanently change the place of use under Certificates 72279, 72281 and 72283. The Department assigned the application number T-11338.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. Final amendments clarifying the place of use were submitted to the Department on March 1, 2012.
4. The first right to be transferred are as follows:

Certificate: 72279, issued in the name of North Unit Irrigation District.

Use: Irrigation of 36.60 acres.

Priority Date: February 28, 1913.

Duty and Limit: 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 1/40th 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.

Source: Deschutes River, Wickiup Reservoir and Haystack Reservoir, tributaries of the Columbia River.

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	User	Notice #
10 S	13 E	WM	21	SE SW	500	0.50	Varley	11-01
10 S	14 E	WM	7	NE NW	900	1.10	Youmans	11-08
10 S	14 E	WM	9	NE NE	102	11.30	Denning	11-05
10 S	14 E	WM	9	NE NE	102	23.70	Denning	11-06
Total:						36.60		

5. Transfer Application T-11338 proposes to change the place of use for the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q – Q	Tax Lot	Acres	User	Notice #
10 S	13 E	WM	21	NE SW	500	0.50	Varley	11-01
10 S	14 E	WM	7	NE NW	900	1.10	Youmans	11-08
10 S	14 E	WM	20	SE NE	100	10.40	Knuths	11-05
10 S	14 E	WM	20	SW NW	300	23.70	Forristall	11-06
10 S	14 E	WM	21	SW NW	300	0.90	Knuths	11-05
Total:						36.60		

6. The portion of the next right to be transferred is as follows:

Certificate: 72281, issued in the name of North Unit Irrigation District.

Use: Supplemental Irrigation of 36.60 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 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, a tributary of the Deschutes River

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q – Q	Tax Lot	Acres	User	Notice #
10 S	13 E	WM	21	SE SW	500	0.50	Varley	11-01
10 S	14 E	WM	7	NE NW	900	1.10	Youmans	11-08
10 S	14 E	WM	9	NE NE	102	11.30	Denning	11-05
10 S	14 E	WM	9	NE NE	102	23.70	Denning	11-06
Total:						36.60		

7. Transfer Application T-11338 proposes to change the place of use for the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q – Q	Tax Lot	Acres	User	Notice #
10 S	13 E	WM	21	NE SW	500	0.50	Varley	11-01
10 S	14 E	WM	7	NE NW	900	1.10	Youmans	11-08
10 S	14 E	WM	20	SE NE	100	10.40	Knuths	11-05
10 S	14 E	WM	20	SW NW	300	23.70	Forristall	11-06
10 S	14 E	WM	21	SW NW	300	0.90	Knuths	11-05
Total:						36.60		

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

Certificate: 72283, issued in the name of North Unit Irrigation District.

Use: Irrigation of 30.20 acres

Priority Date: September 18, 1968.

Rate & Duty: The amount 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) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year and is further subject to the terms and conditions of a stipulation between the North Unit Irrigation District and the Oregon State Game Commission which has been recorded in the Miscellaneous Records of the Water Resource Director.

Source: Crooked River, a tributary of the Deschutes River.

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
10 S	13 E	WM	12	NE NE	1000	1.20	Youmans	11-08
10 S	14 E	WM	7	SW NW	900	2.60	Youmans	11-08
10 S	14 E	WM	7	NW SW	900	0.70	Youmans	11-08
10 S	14 E	WM	20	SW NW	300	10.50	Forristall	11-03
10 S	14 E	WM	20	SW NW	300	13.20	Forristall	11-04
12 S	13 E	WM	11	SW NE	301	1.00	Reynolds	11-02
12 S	13 E	WM	11	SE NW	301	1.00	Reynolds	11-02
Total:						30.20		

9. Transfer Application T-11338 proposes to change the place of use for the above described rights to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
10 S	13 E	WM	12	NE NE	1000	1.30	Youmans	11-08
10 S	14 E	WM	7	NW NW	900	2.10	Youmans	11-08
10 S	14 E	WM	7	SW NW	900	0.40	Youmans	11-08
10 S	14 E	WM	7	NW SW	900	0.70	Youmans	11-08
10 S	14 E	WM	20	SE NE	100	13.20	Knuths	11-04
10 S	14 E	WM	20	SW NE	200	0.40	Forristall	11-03
10 S	14 E	WM	20	NE NW	200	1.70	Forristall	11-03
10 S	14 E	WM	20	NW NW	300	4.80	Forristall	11-03
10 S	14 E	WM	20	SW NW	300	0.80	Forristall	11-03
10 S	14 E	WM	20	SE NW	200	0.90	Forristall	11-03
10 S	14 E	WM	21	NW NW	202	1.90	Forristall	11-03
12 S	13 E	WM	11	SW NE	301	2.00	Reynolds	11-02
Total:						30.20		

10. 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.

11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

12. The proposed changes in place of use would not result in enlargement of the rights.

13. The proposed changes in place of use would not result in injury to other rights.

Conclusions of Law

The proposed changes in place of use in Transfer Application T-11338 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the District's existing water right Certificates 72279, 72281 and 72283 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 the District's water rights or any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
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. The proposed changes shall be completed on or before October 1, 2013.
6. A Claim of Beneficial Use and Final Proof Map shall be submitted by North Unit Irrigation District to the Department by October 1, 2014
7. Certificates 72279, 72281 and 72283 are modified. The Department will issue a superseding certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 2 day of February, 2012.



Dwight French, Water Right Services Administrator for
PHILIP C. WARD, DIRECTOR

Mailing Date: MAR 07 2012