

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

In the Matter of Transfer Application)	F I N A L O R D E R
T-10467, Deschutes County)	APPROVING A 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

THREE SISTERS IRRIGATION DISTRICT
68000 HIGHWAY 20 W
SISTERS, OREGON 97759

Water User

PITCHFORK-T RANCH
4306 NW ARROWOOD CIRCLE
CORVALIS, OR 97330

Findings of Fact

1. On October 1, 2007 Three Sisters Irrigation District filed a district transfer application on behalf of the Pitchfork-T Ranch LLC., (Thayne and Margret Dutson) to permanently change a portion of the place of use under Certificates 74135. The Department assigned the application number T-10467.
2. Associated with the above certificate is a permitted supplemental right, S-29312. The appurtenant supplemental right will be transferred concurrently with its' associated primary right(s).
3. Notice of the application for transfer was published on October 23, 2007 pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to that notice.
4. The portion of the first right to be transferred is as follows:
Certificate: 74135, issued in the name of Squaw Creek Irrigation District
Use: Irrigation
Priority Date: 1895 and 1904.
Rate & Duty: Maximum of 1/50 cfs per acre
Source: Squaw Creek, tributary to Deschutes River.

This is a final order in other than 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 either 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 Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
15 S	10 E	W.M.	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21.

Authorized Place of Use:

PRIORITY	TWP	RNG	MER	SEC	Q-Q	TL	USER	ACRES
1895	14 S	12E	WM	6	NW SW	1000	PITCHFORK-T RANCH, LLC. (THAYNE & MARGRET DUTSON)	2.50
1904	14 S	12E	WM	6	NW SW	1000	PITCHFORK-T RANCH, LLC. (THAYNE & MARGRET DUTSON)	6.00
TOTAL								8.50

5. Application T-10467 proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	Q-Q	TL	USER	ACRES
1895	14 S	12E	WM	6	NE SW	900	PITCHFORK-T RANCH, LLC. (THAYNE & MARGRET DUTSON)	1.50
1904	14 S	12E	WM	6	NE SW	900	PITCHFORK-T RANCH, LLC. (THAYNE & MARGRET DUTSON)	6.00
1895	14 S	12E	WM	6	SE SW	900	PITCHFORK-T RANCH, LLC. (THAYNE & MARGRET DUTSON)	1.00
TOTAL								8.50

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

Permit: S-29312, issued in the name of Squaw Creek Irrigation District

Use: Supplemental Irrigation

Priority Date: February 5, 1964.

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
15 S	10 E	W.M.	14	NE SE	1365 FEET NORTH AND 0 FEET FROM THE SE CORNER OF SECTION 14

Rate & Duty: Limited to 500 acre feet stored water only and a diversion of 4 ½ acre feet for each acre irrigated during the irrigation season of each year; and, shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed.

Source: Squaw Creek Reservoir

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	TL	USER	ACRES
14 S	12 E	WM	6	NW SW	1000	PITCHFORK-T RANCH, LLC. (THAYNE & MARGRET DUTSON)	6.00

7. Application T-10467 proposes to change the place of use to:

TWP	RNG	MER	SEC	Q-Q	TL	USER	ACRES
14 S	12 E	WM	6	NE SW	900	PITCHFORK-T RANCH, LLC. (THAYNE & MARGRET DUTSON)	6.00

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

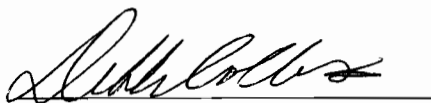
Conclusions of Law

The proposed changes in place of use in Transfer Application T-10467 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 Certificate 74135 and Permit S-29312 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 74135, Permit S-29312 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be completed on or before October 1, 2009.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
6. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 11th day of February, 2008.



Phillip C. Ward, Director

Mailing date: FEB 13 2008