BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-11956, Crook County)	APPROVING A 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

OCHOCO IRRIGATION DISTRICT 1001 NW DEER ST. PRINEVILLE, OREGON 97754

Findings of Fact

- 1. On December 29, 2014, Ochoco Irrigation District filed a district transfer application to permanently change the place of use under Certificates 82246 and 82247. The Department assigned the application number T-11956.
- 2. Notice of the application for transfer was published on January 6, 2015 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: 82246, issued in the name of Ochoco Irrigation District (perfected under

Permit S-5426)

Use: Irrigation of 17.2 Acres

Priority Date: March 13, 1916

Rate / Duty: Limited to a diversion of 1/80 of one cubic foot per second (or the

equivalent) for each acre irrigated and further limited to 4.0 acre-feet per

acre per year.

Source: Ochoco, McKay, Dry, Lytle and Johnson Creeks, and all waste and return water

flowing in all unnamed waterways and Ochoco Reservoir.

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.

Authorized Point of Diversion:

POD#	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	15S	17E	WM	5	SW NW	OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 5

Authorized Place of Use:

	IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice			
14S	15E	WM	1	NW NE	3.9	100	Westwood	11-14			
14S	15E	WM	1	NE NW	9.4	100	Westwood	11-14			
14S	15E	WM	1	SE NW	0.2	100	Westwood	11-14			
14S	15E	WM	11	SE SW	1.1	3400	Kee	5-14			
14S	15E	WM	24	NE SW	0.1	100	Winebarger	8-14			
14S	16E	WM	26	SE SE	0.3	800	Lane	6-14			
14S	16E	WM	27	NW SE	0.3	104	Alyea	7-14			
14S	16E	WM	29	NW NW	0.3	808	Bobbit	9-14			
14S	16E	WM	30	NE SE	0.2	600	McDonald	2-14			
14S	16E	WM	30	NE SE	0.5	1900	Tweedt	10-14			
14S	16E	WM	30	SW SE	0.2	2100	Kloepper	3-14			
14S	16E	WM	30	SW SE	0.2	2400	Smith	1-14			
15S	16E	WM	4	NW NE	0.5	901	Radabaugh	4-14			
				Total	17.2						

4. Transfer Application T-11956 proposed to change the place of use to:

Proposed Place of Use

					IRRI	GATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14S	15E	WM	1	NW NE	3.80	100	Westwood	11-14
14S	15E	WM	1	NE NW	0.5	100	Westwood	10-14
14S	15E	WM	1	NE NW	9.6	100	Westwood	11-14
14S	15E	WM	1	SE NW	0.1	100	Westwood	11-14
14S	15E	WM	11	SE SW	1.1	3300	Paunina Inv. Corp	5-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	1-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	2-14
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	3-14
14S	15E	WM	24	NE SW	0.1	100	Winebarger	8-14
14S	16E	WM	25	NW NE	0.5	102	Dunn	4-14
14S	16E	WM	27	NE NW	0.3	118	Evans	6-14
14S	16E	WM	27	NE NW	0.3	118	Evans	7-14
14S	16E	WM	30	SE NE	0.3	3510	Read	9-14
				Total	17.2			

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

Certificate: 82247, issued in the name of U. S. Bureau of Reclamation (perfected under

S-25991)

Use: Primary Irrigation of 1.8 Acres and 16.1 Acres Supplemental Irrigation

Priority Date: April 8, 1914

Rate / Duty: Maximum of 1/40 cubic foot per second or equivalent per acre and further limited to 4.0 acre-feet per acre per year from direct flow and storage.

Source: Crooked River and Prineville Reservoir, tributary to Deschutes River.

Authorized Point of Diversion:

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

Authorized Place of Use:

	PRIMARY IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #				
13S	15E	WM	31	SE SE	0.4	2426	Forrester	12-14				
13S	15E	WM	32	NW SW	1.4	2426	Forrester	12-14				
				Total	1.8							

	SUPPLEMENTAL IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #			
14S	15E	WM	1	NW NE	3.9	100	Westwood	11-14			
14S	15E	WM	1	NE NW	9.4	100	Westwood	11-14			
14S	15E	WM	1	SE NW	0.2	100	Westwood	11-14			
14S	15E	WM	11	SE SW	1.1	3400	Kee	5-14			
148	15E	WM	24	NE SW	0.1	100	Winebarger	8-14			
14S	16E	WM	29	NW NW	0.3	808	Bobbit	9-14			
14S	16E	WM	30	NE SE	0.2	600	McDonald	2-14			
148	16E	WM	30	NE SE	0.5	1900	Tweedt	10-14			
14S	16E	WM	30	SW SE	0.2	2100	Kloepper	3-14			
148	16E	WM	30	SW SE	0.2	2400	Smith	1-14			
				Total	16.1						

6. Transfer Application T-11956 proposes to change the place of use to:

Proposed Place of Use:

	PRIMARY IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #			
138	15E	WM	31	NE SE	1.2	2426	Forrester	12-14			
13S	15E	WM	31	SE SE	0.6	2426	Forrester	12-14			
				Total	1.8						

	SUPPLEMENTAL IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice #			
14S	15E	WM	1	NW NE	3.8	100	Westwood	11-14			
148	15E	WM	1	NE NW	0.5	100	Westwood	10-14			
14S	15E	WM	1	NE NW	9.6	100	Westwood	11-14			
14S	15E	WM	1	SE NW	0.1	100	Westwood	11-14			
14S	15E	WM	11	SE SW	1.1	3300	Paunina Inv. Corp	5-14			
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	1-14			
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	2-14			
14S	15E	WM	23	NW SE	0.2	1601	Rhoden	3-14			

14S	16E	WM	30	SE NE Total	0.3	3510	Read	9-14
148	15E	WM	24	NE SW	0.1	100	Winebarger	8-14

- 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 change in place of use would not result in enlargement of the rights.
- 10. 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-11956 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

- 1. The proposed changes in the 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 described and is subject to all other conditions and limitations contained in Certificates 82246 and 82247 and any related decree
- 3. The former place of use shall no longer be irrigated as part of these water rights.
- 4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use shall be submitted by Ochoco 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 82246 and 82247 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 3 day of February 2015.

Dwight French, Water Right Services Administrator for

THOMAS M. BYLER, DIRECTOR Oregon Water Resources Department

Mailing Date: FEB 0 6 2015