

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

COUNTY OF DESCHUTES

In the Matter of a Proposed Change)	ORDER
In Place of Use of Water Within an)	APPROVING A PERMANENT
Irrigation District — TRANSFER 9313)	DISTRICT TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.580, CENTRAL OREGON IRRIGATION DISTRICT, 2598 North Highway 97, Redmond, OR, 97756, petitioned the Oregon Water Resources Department to permanently change the place of use of water within the boundaries of the irrigation district. The petition was received on December 30, 2002, and included the required fees.
2. The Department assigned the petition transfer application number T-9313.
3. The Department published notice of receipt of the petition in the Department's Weekly Notice dated January 7, 2003. The petition was noticed as a transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. Central Oregon Irrigation District petitioned to modify the following rights:

PRIMARY IRRIGATION

Certificate 76358: issued in the name of Central Oregon Irrigation District

Use: Irrigation

Source: Deschutes River

Priority Date: October 31, 1900 for 985.0 cubic feet per second (cfs), and December 2, 1907 for the balance allowed by decree

Rate & Duty: Maximum of 1/32.4 cfs per acre irrigated (May 15 to Sept. 15) & 9.91 acre-feet per acre per year (reflects a 45% transmission loss allowed by decree)

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order

SUPPLEMENTAL IRRIGATION

Certificate 76714: issued in the name of Central Oregon Irrigation District

Use: Supplemental Irrigation

Source: Crane Prairie Reservoir

Priority Date: February 28, 1913

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

6. Central Oregon Irrigation District petitioned to permanently change the place of use for irrigation and supplemental irrigation from the location identified in Table 1 to the location listed in Table 2.

TABLE 1. AUTHORIZED PLACE OF USE – Certificates 76358 & 76714											
TWP		RNG		MER	SEC	1/4	1/4	TL	ACRES	LAND OWNER	NOT#
15	S	13	E	W.M.	08	SE	SW	1100	3.70	PINCKARD FMLY	2001-013

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2. PROPOSED PLACE OF USE– Certificates 76358 & 76714											
TWP		RNG		MER	SEC	1/4	1/4	TL	ACRES	LAND OWNER	NOT#
15	S	13	E	W.M.	08	NW	SW	0500	0.45	DINKEL	2001-013
15	S	13	E	W.M.	08	SE	SW	1100	3.00	PINCKARD FMLY	2001-013
15	S	13	E	W.M.	08	SE	SW	1200	0.25	PASCHALL	2001-013

8. Pursuant to ORS 540.574 and ORS 540.580, in reviewing the petition submitted by Central Oregon Irrigation District, the Department has determined the following:
 - a) The petition contains the information required under ORS 540.574(3).
 - b) The petition meets the requirements of ORS 540.580.
 - c) The petition contains maps which are satisfactory to the Department and which the District certified as being accurate.
 - d) The petition includes the required statement from the District that it has on file, and available for review, written authorization from each landowner affected by the transfer.
 - e) The rate, duty, and total number of acres proposed for transfer do not exceed that of the water right subject to transfer.
 - f) The lands from which the water right would be moved by the proposed transfer will not continue to receive water under the water right.
 - g) The use authorized by the water right subject to transfer will not change; and
 - h) The proposed change in place of use will not result in injury to other water rights.

9. The petition was filed prior to the end of the calendar year or prior to any delivery of water as required under ORS 540.580(2).

CONCLUSIONS OF LAW

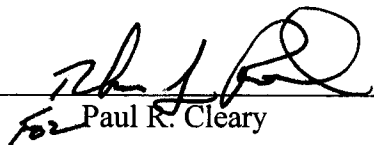
1. The petition submitted by Central Oregon Irrigation District proposing permanent changes in place of use within district boundaries included the information, and satisfied the criteria, required by ORS 540.574(3).
2. The proposed transfer complies with the requirements of ORS 540.580.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.580 resulting in no injury to other water rights.

ORDER

It is hereby ORDERED :

1. The proposed changes to the water rights evidenced by Certificates 76358 and 76714 may be made provided the following conditions are met by the water user:
 - a. The proposed changes shall be completed on or before October 1, 2005.
 - b. The former places of use shall no longer be irrigated as a part of this water right.
 - c. The Claim of Beneficial Use, showing the changes approved by this order have been completed, must be submitted by Central Oregon Irrigation District on or before October 1, 2006.
2. Except as modified herein, all other conditions and limitations of the Deschutes River Decree remain in effect.
3. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources Director affixed OCT 27 2003.


Paul R. Cleary