

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

In the Matter of Transfer Application            )    SUPERSEDING FINAL ORDER APPROVING A  
T-12251, Deschutes County                    )    DISTRICT PERMANENT TRANSFER FOR  
  )    PLACE OF USE AND CORRECTING A  
  )    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 Rules (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

**Applicant**

ARNOLD IRRIGATION DISTRICT  
19604 BUCK CANYON RD.  
BEND, OR 97702

**Findings of Fact**

1. On January 19, 2016, TUMALO Irrigation District (TID) filed a district transfer application to permanently change the place of use under Certificates 74197 and 76714. The Department assigned the application number T-12251.
2. Notice of the District Permanent Transfer Application was published on January 26, 2016, No comments were filed in response to the notices.
3. On February 22, 2016, the Department issued a Final Order approving Transfer T-12251, which was mailed on February 29, 2016, and recorded in Special Order Volume 98, Pages 817-820.
4. Upon further review, the Department realized that certain lands were not available for transfer. This order is issued to correct and supersede the Final Order recorded Special Order Volume 98, Pages 817-820. Deletions are shown in ~~strikeout~~ text, and corrections are shown in *italics bold*.

This final order 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 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).

3. The portion of the first right to be transferred is as follows:  
**Certificate:** 74197, issued in the name of Arnold Irrigation District (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)  
**Use:** Irrigation of ~~19.22~~ **17.22** acres  
**Priority Date:** February 1, 1905 and April 25, 1905  
**Source:** the Deschutes River, a tributary of the Columbia River  
**Rate:** Limited to 150 cubic feet per second or its equivalent in case of rotation, measured at the points of diversion from the stream.  
**Source:** Deschutes River, tributary to the Columbia River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	POD	Measured Distance
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	11E	WM	23	SW NE	200	0.10	Perkins	T-2015-001-F-B
18S	12E	WM	12	NE SE	300	<del>8.52</del> <b>7.50</b>	Crye	T-2015-003-F
18S	12E	WM	12	SE SE	300	<del>1.51</del> <b>1.03</b>	Crye	T-2015-003-F
18S	12E	WM	21	SW NE	200	0.06	Burnett	T-2015-004-F
18S	12E	WM	21	NW SE	200	<del>3.24</del> <b>2.74</b>	Burnett	T-2015-004-F
18S	12E	WM	24	SW SE	2300	0.50	Wininger	T-2015-002-F
18S	12E	WM	25	SW NW	604	0.21	Kowalski	T-2015-001-F-A
18S	12E	WM	27	NE NW	1900	0.80	Pape Properties, Inc	T-2015-005-F-A
18S	12E	WM	27	NE NW	200	2.14	Pape Properties, Inc	T-2015-005-F-B
18S	12E	WM	27	SE NW	200	2.14	Pape Properties, Inc	T-2015-005-F-B
<b>Total:</b>						<del>19.22</del> <b>17.22</b>		

5. Transfer Application T-12251 proposes to change the place of use to:

**Proposed Place of Use**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	12E	WM	12	NE SE	300	7.50	Crye	T-2015-003-N
18S	<del>12E</del>	<del>WM</del>	<del>12</del>	<del>NE SE</del>	<del>300</del>	<del>1.25</del>	<del>Crye</del>	<del>T-2015-003-N</del>
18S	12E	WM	12	SE SE	300	1.03	Crye	T-2015-003-N
18S	<del>12E</del>	<del>WM</del>	<del>12</del>	<del>SE SE</del>	<del>300</del>	<del>0.25</del>	<del>Crye</del>	<del>T-2015-003-N</del>
18S	12E	WM	21	SW NE	200	0.08	Burnette	T-2015-004-N
18S	12E	WM	21	NW SE	200	2.72	Burnette	T-2015-004-N
18S	<del>12E</del>	<del>WM</del>	<del>21</del>	<del>NW SE</del>	<del>200</del>	<del>0.50</del>	<del>Burnette</del>	<del>T-2015-004-N</del>
18S	12E	WM	24	SW SE	2300	0.50	Wininger	T-2015-002-N
18S	12E	WM	25	SW NW	604	0.31	Kowalski	T-2015-001-N
18S	12E	WM	27	NE NW	200	1.49	Pape Properties, Inc	T-2015-005-N
18S	12E	WM	27	SE NW	200	3.59	Pape Properties, Inc	T-2015-005-N
<b>Total:</b>						<del>19.22</del> <b>17.22</b>		

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

**Certificate:** 76714, issued in the names of Central Oregon Irrigation District, Arnold Irrigation District and Crook County Improvement District (perfected under Permit S-23256)

**Use:** Supplemental Irrigation of ~~19.22~~ **17.22** acres.

**Priority Date:** February 28, 1913

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

**Source:** Crane Prairie Reservoir, tributary to the Deschutes River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	POD	Measured Distance
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	11E	WM	23	SW NE	200	0.10	Perkins	T-2015-001-F-B
18S	11E	WM	12	NE SE	300	<del>8.52</del> <b>7.50</b>	Crye	T-2015-003-F
18S	11E	WM	12	SE SE	300	<del>1.51</del> <b>1.03</b>	Crye	T-2015-003-F
18S	11E	WM	21	SW NE	200	0.06	Burnett	T-2015-004-F
18S	11E	WM	21	NW SE	200	<del>3.24</del> <b>2.74</b>	Burnett	T-2015-004-F
18S	11E	WM	24	SW SE	2300	0.50	Winger	T-2015-002-F
18S	11E	WM	25	SW NW	604	0.21	Kowalski	T-2015-001-F-A
18S	11E	WM	27	NE NW	1900	0.80	Pape Properties, Inc	T-2015-005-F-A
18S	11E	WM	27	NE NW	200	2.14	Pape Properties, Inc	T-2015-005-F-B
18S	11E	WM	27	SE NW	200	2.14	Pape Properties, Inc	T-2015-005-F-B
<b>Total</b>						<del>19.22</del> <b>17.22</b>		

6. Transfer Application T-12251 proposes to change the place of use to:

**Proposed Place of Use**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	12E	WM	12	NE SE	300	7.50	Crye	T-2015-003-N
18S	12E	WM	12	NE SE	300	1.25	Crye	T-2015-003-N
18S	12E	WM	12	SE SE	300	1.03	Crye	T-2015-003-N
18S	12E	WM	12	SE SE	300	0.25	Crye	T-2015-003-N
18S	12E	WM	21	SW NE	200	0.08	Burnette	T-2015-004-N
18S	12E	WM	21	NW SE	200	2.72	Burnette	T-2015-004-N
18S	12E	WM	21	NW SE	200	0.50	Burnette	T-2015-004-N
18S	12E	WM	24	SW SE	2300	0.50	Winger	T-2015-002-N
18S	12E	WM	25	SW NW	604	0.31	Kowalski	T-2015-001-N
18S	12E	WM	27	NE NW	200	1.49	Pape Properties, Inc	T-2015-005-N
18S	12E	WM	27	SE NW	200	3.59	Pape Properties, Inc	T-2015-005-N
<b>Total:</b>						<del>19.22</del> <b>17.22</b>		

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 changes in place of use would not result in enlargement of the rights.
10. The proposed changes in place of use would not result in injury to other water rights.

**Conclusions of Law**

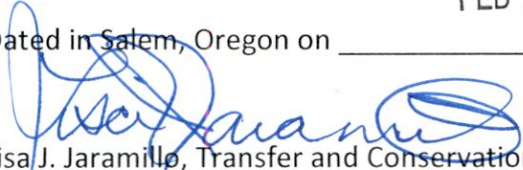
The proposed changes in place of use in Transfer Application T-12251 satisfy the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

1. *The order entered at Special Order Volume 98, Pages 817 to 820 is withdrawn and of no further force and effect and is superseded by this order.*
2. The proposed changes to the water rights evidenced by Certificates 74197 and 76714 are approved.
3. 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 Certificates 74197 and 76714 and any related decree.
4. The former places of use shall no longer be irrigated as part of these water rights.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use shall be submitted by Arnold Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Certificates 74197 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

FEB 25 2020

Dated in Salem, Oregon on \_\_\_\_\_

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: FEB 26 2020