

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11957, 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 22, 2014, North Unit Irrigation District filed a district transfer application to permanently change the place of use under Certificates 72279, 72281 and 88876. The Department assigned the application number T-11957.
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 first right to be transferred are as follows:

Certificate: 72279, issued in the name of North Unit Irrigation District.(perfected under S-23196)

Use: Irrigation of 27.3 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	Water User	Notice #
9 S	13 E	WM	32	SW SE	300	0.5	Peggy Boyle	14-08
9 S	13 E	WM	32	SE SE	300	1.8	Peggy Boyle	14-08
9 S	14 E	WM	28	NE SE	500	3.0	Otter	14-03
9 S	14 E	WM	32	SE NE	200	0.3	Williams & Williams LLC	14-16
10 S	13 E	WM	3	NE SE	500	6.0	Ryan C. & Heidi M Boyle	14-07
10 S	13 E	WM	3	SW SE	500	1.2	Ryan C. & Heidi M Boyle	14-07
10 S	13 E	WM	4	NE NE	200	1.7	Peggy Boyle	14-08
10 S	13 E	WM	4	SE NE	800	2.6	Donald C & Peggy L. Boyle	14-12
10 S	13 E	WM	4	SE NE	800	1.1	Donald C & Peggy L. Boyle	14-09
10 S	14 E	WM	30	NE SE	-	0.4	ODOT	14-05
10 S	14 E	WM	30	SE SE	-	0.1	ODOT	14-05
11 S	13 E	WM	1	SE SE	-	2.6	City of Madras	14-06
11 S	13 E	WM	1	SE SE	1610	1.5	Bean Foundation Inc.	14-17
11 S	13 E	WM	23	SW SW	300	0.1	Speer	14-15
11 S	13 E	WM	27	SE NW	500	1.1	Cherry Creek Investors LLC	14-04
11 S	14 E	WM	6	SW SW	-	0.8	City of Madras	14-06
11 S	14 E	WM	6	SW SW	1307	0.8	Central Oregon Community College	14-15
11 S	14 E	WM	6	SW SW	1300	0.1	Bean Foundation Inc.	14-17
12 S	12 E	WM	35	NE SE	400	0.7	Alley	14-01
12 S	13 E	WM	22	NE SW	700	0.9	Emmrich	14-13
						Total:	27.3	

4. Transfer Application T-11957 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	Water User	Notice #
9 S	13 E	WM	32	NE SE	300	0.5	Peggy L. Boyle	14-10
9 S	13 E	WM	32	NW SE	300	0.2	Peggy L. Boyle	14-10
9 S	13 E	WM	32	SW SE	300	2.6	Peggy L. Boyle	14-12
9 S	13 E	WM	32	SW SE	300	1.8	Peggy Boyle	14-8
9 S	13 E	WM	32	SE SE	300	0.5	Peggy Boyle	14-8
9 S	13 E	WM	32	SE SE	300	1.0	Peggy L. Boyle	14-10
9 S	14 E	WM	28	SE SE	600	3.0	Holdorf	14-3
10 S	13 E	WM	3	NW SE	500	2.9	Ryan C & Heidi M Boyle	14-7
10 S	13 E	WM	3	SW SE	500	3.1	Ryan C & Heidi M Boyle	14-7
10 S	13 E	WM	3	SE SE	500	1.2	Ryan C & Heidi M Boyle	14-7
10 S	13 E	WM	4	SE NE	800	1.1	Donald C & Peggy L Boyle	14-9
10 S	14 E	WM	30	NW SE	300	1.1	William & Judy Simmons Trust	14-4
10 S	14 E	WM	30	NW SE	300	0.5	William & Judy Simmons Trust	14-5
10 S	14 E	WM	32	NE SW	803	0.8	Koppenhafer	14-15
11 S	13 E	WM	13	SW NW	200	0.1	Ennis	14-14
11 S	14 E	WM	6	SE SE	1401	3.4	Jefferson County	14-6
11 S	14 E	WM	32	SW NE	1800	0.3	Norton Cattle Company LLC	14-16
11 S	14 E	WM	32	SW NE	1800	1.6	Norton Cattle Company LLC	14-17
12 S	12 E	WM	35	SE SE	400	0.7	Alley	14-1
12 S	13 E	WM	22	NE SW	700	0.9	Emmrich	14-13
						Total:	27.3	

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

Certificate: 72281, issued in the name of North Unit Irrigation District.(perfected under S-25921)

Use: Supplemental Irrigation of 27.3 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	Water User	Notice #
9 S	13 E	WM	32	SW SE	300	0.5	Peggy Boyle	14-08
9 S	13 E	WM	32	SE SE	300	1.8	Peggy Boyle	14-08
9 S	14 E	WM	28	NE SE	500	3.0	Otter	14-03
9 S	14 E	WM	32	SE NE	200	0.3	Williams & Williams LLC	14-16
10 S	13 E	WM	3	NE SE	500	6.0	Ryan C. & Heidi M Boyle	14-07
10 S	13 E	WM	3	SW SE	500	1.2	Ryan C. & Heidi M Boyle	14-07
10 S	13 E	WM	4	NE NE	200	1.7	Peggy Boyle	14-08
10 S	13 E	WM	4	SE NE	800	2.6	Donald C & Peggy L. Boyle	14-12
10 S	13 E	WM	4	SE NE	800	1.1	Donald C & Peggy L. Boyle	14-09
10 S	14 E	WM	30	NE SE	-	0.4	ODOT	14-05
10 S	14 E	WM	30	SE SE	-	0.1	ODOT	14-05
11 S	13 E	WM	1	SE SE	-	2.6	City of Madras	14-06
11 S	13 E	WM	1	SE SE	1610	1.5	Bean Foundation Inc.	14-17
11 S	13 E	WM	23	SW SW	300	0.1	Speer	14-15
11 S	13 E	WM	27	SE NW	500	1.1	Cherry Creek Investors LLC	14-04
11 S	14 E	WM	6	SW SW	-	0.8	City of Madras	14-06
11 S	14 E	WM	6	SW SW	1307	0.8	Central Oregon Community College	14-15
11 S	14 E	WM	6	SW SW	1300	0.1	Bean Foundation Inc.	14-17
12 S	12 E	WM	35	NE SE	400	0.7	Alley	14-01
12 S	13 E	WM	22	NE SW	700	0.9	Emmrich	14-13
Total:						27.3		

6. Transfer Application T-11957 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	Water User	Notice #
9 S	13 E	WM	32	NE SE	300	0.5	Peggy L. Boyle	14-10
9 S	13 E	WM	32	NW SE	300	0.2	Peggy L. Boyle	14-10
9 S	13 E	WM	32	SW SE	300	2.6	Peggy L. Boyle	14-12
9 S	13 E	WM	32	SW SE	300	1.8	Peggy Boyle	14-8
9 S	13 E	WM	32	SE SE	300	0.5	Peggy Boyle	14-8
9 S	13 E	WM	32	SE SE	300	1.0	Peggy L. Boyle	14-10
9 S	14 E	WM	35	SE SE	600	3.0	Holdorf	14-3
10 S	13 E	WM	3	NW SE	500	2.9	Ryan C & Heidi M Boyle	14-7
10 S	13 E	WM	3	SW SE	500	3.1	Ryan C & Heidi M Boyle	14-7
10 S	13 E	WM	3	SE SE	500	1.2	Ryan C & Heidi M Boyle	14-7
10 S	13 E	WM	4	SE NE	800	1.1	Donald C & Peggy L Boyle	14-9
10 S	14 E	WM	30	NW SE	300	1.1	William & Judy Simmons Trust	14-4
10 S	14 E	WM	30	NW SE	300	0.5	William & Judy Simmons Trust	14-5

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
10 S	14 E	WM	32	NE SW	803	0.8	Koppenhafer	14-15
11 S	13 E	WM	13	SW NW	200	0.1	Ennis	14-14
11 S	14 E	WM	6	SE SE	1401	3.4	Jefferson County	14-6
11 S	14 E	WM	32	SW NE	1800	0.3	Norton Cattle Company LLC	14-16
11 S	14 E	WM	32	SW NE	1800	1.6	Norton Cattle Company LLC	14-17
12 S	12 E	WM	35	SE SE	400	0.7	Alley	14-1
12 S	13 E	WM	22	NE SW	700	0.9	Emmrich	14-13
Total:						27.3		

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

Certificate: 88876, issued in the name of North Unit Irrigation District. (perfected under S-33954)

Use: Irrigation of 43.5 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	Water User	Notice #
9 S	13 E	WM	32	SW NE	300	0.4	Peggy Boyle	14-8
9 S	13 E	WM	32	SE NE	100	1.3	Ryan C & Heidi M Boyle	14-7
9 S	13 E	WM	32	SE NE	100	1.1	Ryan & Heidi Boyle	14-11
9 S	13 E	WM	32	NE SE	300	1.2	Peggy Boyle	14-8
9 S	13 E	WM	32	NW SE	300	2.4	Peggy Boyle	14-8
9 S	14 E	WM	32	NE NE	200	32.5	Williams & Williams LLC	14-16
9 S	14 E	WM	32	SE NE	200	2.8	Williams & Williams LLC	14-16
11 S	14 E	WM	6	NE SW	800	0.8	Wood	14-2
11 S	14 E	WM	6	NW SW	800	1.0	Wood	14-2
Total:						43.5		

8. Transfer Application T-11957 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	Water User	Notice #
9 S	13 E	WM	32	SW NE	300	0.9	Peggy L. Boyle	14-11
9 S	13 E	WM	32	NW SE	300	4.0	Peggy Boyle	14-8
9 S	13 E	WM	32	SW SE	300	0.2	Peggy L. Boyle	14-11
10 S	13 E	WM	3	NW SE	500	1.3	Ryan C & Heidi M Boyle	14-7
11 S	13 E	WM	13	SW NW	200	1.8	Ennis	14-2
11 S	14 E	WM	32	SW NE	1800	4.8	Norton Cattle Company LLC	14-16
11 S	14 E	WM	32	SE NE	1800	30.5	Norton Cattle Company LLC	14-16
Total:						43.5		

9. 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.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed changes in place of use would not result in enlargement of the rights.
12. 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-11957 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 88876 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. 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 to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Certificates 72279, 72281 and 88876 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 3 day of February, 2015.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: FEB 06 2015