



The quantities listed reflect an allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933.

**Source:** Deschutes River, tributary to the Columbia River

**Authorized Point(s) of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Location	
18	S	11	E	W.M.	13	SW	NE	Central Oregon Canal-1520 ft South & 1535 ft West from the NE Corner of Section 13	

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼	¼	Tax Lot	Acres
18	S	12	E	W.M.	02	SW	SW	901	4.0
18	S	12	E	W.M.	02	SW	SW	907	3.0

- Application T-9731 proposes to change the character of use to Quasi-Municipal.
- In addition, the application proposes to change the place of use to within the service boundary area of the Quasi-Municipal Water District for St. Charles Medical Hospital.

**Location of Proposed Quasi-Municipal Use**

Township		Range		Meridian	Sec	¼	¼
17	S	12	E	W.M.	27	NE	SE
17	S	12	E	W.M.	27	SW	SE
17	S	12	E	W.M.	27	SE	SE

- Notice of the application for transfer was published June 22, 2004 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the right and no evidenced is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
- Considering current knowledge about water rights and their impact on the hydrology of the Deschutes Basin, the Department is unable to conclude that the change from irrigation of crops on 7.0 acres to quasi-municipal use on the much larger proposed place of use would not result in enlargement of the right or injury to instream water rights. An increase in consumptive water use could decrease the amount of return flows entering downstream,

which support instream water rights in the Deschutes River. However, if quasi-municipal use on the proposed place of use were conditioned so that the quantity of water removed from the hydrologic system through consumptive use would approximate the consumptive use of crops on 7.0 acres under irrigation; the proposed use would not injure other water rights.

9. The total consumptive use of irrigation water for crops in the Deschutes Basin is estimated by the Department at 1.8 acre-feet per acre irrigated. Presumably, the rest of the water diverted up to the allowed duty is not taken up by crops, but returns to the surface and groundwater system. Water withdrawn by crops on 7.0 acres yields 12.6AF (1.8 AF/acre x 7.0 acres) of consumptive use.
10. Research by the Department indicates that approximately 47.14% of the total volume of water diverted for municipal use in the Deschutes River Basin during the months of the irrigation season is consumptive. Therefore, the volume of water, in acre-feet, that could be diverted from the canal to the place of use for quasi-municipal purposes, (including both consumptive and non-consumptive uses) without resulting in an increase in consumptive use can be estimated by dividing the total AF by the consumptive percent of quasi-municipal use.
11. Limiting the maximum annual volume of water allowed to be diverted from the canal for quasi-municipal use on the proposed place of use to 26.73 acre-feet would be sufficient to ensure that other water rights are not injured.
12. The maximum rates of diversion from the river into the canal (which include an allowance of 45% transmission loss as per decree) remain unchanged, as stated in Finding of Fact #2.
13. St. Charles Medical Center is the receiving landowner responsible for completion and perfection of the changes after the final order is issued.

#### **Partial Cancellation of Certificate 76714**

14. On February 13, 2006, Central Oregon Irrigation District amended application T-9731 to exclude from the transfer the appurtenant supplemental stored rights designated for irrigation on certificate 76714.
15. The applicant has not submitted an affidavit certifying that the affected portion of the supplemental water right under certificate 76714 has been abandoned. Consistent with ORS 540.510(1) and OAR 690-380-2250, the Department notified the applicant of the Department's intent to cancel the portion of the supplemental water right as described below. The applicant did not notify the Department to include the supplemental right or withdraw the application within 30 days of the date of that notice. The supplemental right under Certificate 76714 is not included in transfer application T-9731, and will be cancelled upon issuance of a final order approving T-9731.

16. The portion of certificate 76714 to be cancelled is appurtenant to lands owned by St. Charles Medical Center as follows:

**Certificate:** 76714 in the name of COID

**Use:** Supplemental Irrigation

**Priority Date:** February 28, 1913

**Season of Use:** April 1 through October 31

**Acres:** 7.0

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

**Locations:**

**Authorized Point(s) of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Location	
21	S	8	E	W.M.	17	NE	NE	Crane Prairie Reservoir Dam	

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼	¼	Tax Lot	Acres
18	S	12	E	W.M.	02	SW	SW	901	4.0
18	S	12	E	W.M.	02	SW	SW	907	3.0

17. Certificate 76714 does not provide for a full per-acre seasonal duty of water. Therefore, the quantity of water allocated under the right may be used on other lands to which the right is appurtenant without exceeding the established duty for irrigation in the area.

**Conclusions of Law**

The proposed changes in place of use and character of use in application T-9731 are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

The portion of the supplemental water right described in Finding of Fact #16 has not been included in the transfer of the primary right and should be cancelled pursuant to OAR 690-380-2250(5).


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

1. The changes in place of use and character of use in application T-9731 proposed in application T-9731 are approved.
2. Certificate 76358 shall be modified. The Department shall issue a new water right certificate to supersede certificate 76358 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer.
3. Certificate 76714 shall be modified to reduce by 7.0 acres the number of acres to which stored water may be applied for supplemental irrigation under the right; however, the

maximum quantity of stored water that can be diverted for use under the right will remain unchanged.

4. The right to use 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 76358 and any related decree.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2007. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. The annual quantity of water diverted from the canal for quasi-municipal uses shall not exceed 26.73 acre-feet.
7. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The Department shall issue a new water right certificate to supersede certificate 76358 on a determination that it is necessary to produce a certificate to confirming the right.

Dated at Salem, Oregon this 24<sup>th</sup> day of July, 2006.

  
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P.W. Phillip C. Ward  
Director

Mailing date: JUL 31 2006