

**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 9018        )     DISTRICT TRANSFER

**BACKGROUND INFORMATION**

Pursuant to ORS 540.580, CENTRAL OREGON IRRIGATION DISTRICT, 2598 N 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 Department assigned the petition transfer application number T-9018. Notice of the transfer (petition) was published in the Department’s weekly notice. No comments or protests were received in response to the published notice.

The first right proposed to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by PORTIONS of Certificate 76358. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282 and Volume 16 at Pages 1 and 390. The dates of priority are OCTOBER 31, 1900 and DECEMBER 2, 1907.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION of 43,746.93 ACRES, 781.957 ACRES-EQUIVALENT for MUNICIPAL USE, 158.01 ACRES-EQUIVALENT for POND MAINTENANCE, 87.10 ACRES-EQUIVALENT for INDUSTRIAL USE, 7.0 ACRES-EQUIVALENT for QUASI-MUNICIPAL USE, 2.80 ACRES-EQUIVALENT for DUST ABATEMENT, STOCK WATER, and DOMESTIC USE. The amount of water to which this right is entitled is limited to a diversion not to exceed the quantity determined by decree; being 985.0 CUBIC FEET PER SECOND under the 1900 priority, and the balance allowed by the decree under the 1907 priority.

**NOTICE OF RIGHT TO APPEAL**

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 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.

The second right proposed to be modified, as evidenced by PORTIONS of Certificate 76714, was perfected under Permit 23256 with a date of priority of February 28, 1913.

The right allows the use of water stored in CRANE PRAIRIE RESERVOIR, constructed under Permit R-1687, a tributary of THE DESCHUTES RIVER, FOR SUPPLEMENTAL IRRIGATION of 50,091.98 ACRES, 781.957 ACRES/EQUIVALENT for MUNICIPAL USE, 193.72 ACRES/EQUIVALENT for POND MAINTENANCE, 110.3 ACRES/EQUIVALENT for INDUSTRIAL USE, 354.59 ACRES/EQUIVALENT for QUASI-MUNICIPAL USE, 2.80 ACRES/EQUIVALENT for DUST ABATEMENT, and 1.5 ACRES/EQUIVALENT for STOCK WATER, and DOMESTIC USE. The amount of water to which this right is entitled is limited to 50,000 ACRE-FEET OF STORED WATER ONLY, or the equivalent in case of rotation, measured at the point of diversion from the source.

Central Oregon Irrigation District petitioned to permanently change the place of use of water appurtenant to 27.76 ACRES or ACRES-EQUIVALENT of IRRIGATION and POND MAINTENANCE under Certificate 76358, and 27.76 ACRES or ACRES-EQUIVALENT of SUPPLEMENTAL IRRIGATION and SUPPLEMENTAL POND MAINTENANCE under Certificate 76714. The petition proposed to change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

TABLE 1. AUTHORIZED PLACES OF USE UNDER CERTIFICATES 76358 AND 76714								
TWP	RNG	SEC	QTR-QTR	TL	USE	AC	APPLICANT	DIST #
14S	13E	20	SE¼ NW¼	500	IR	1.26	SEITZ, PETER	T-2001-020
14S	13E	21	SE¼ NW¼	601	IR	0.50	SIMPSON, RICHARD	T-2001-016
15S	13E	5	SE¼ SE¼	800	PND	1.00	HOLLISTER, EVAN R.	T-2001-018
15S	13E	20	NE¼ SW¼	5300	IR	0.50	STURZA, EVAN	T-2001-012
17S	12E	12	NW¼ SE¼	311	IR	1.00	GRAHAM, HENRY	T-2001-011
17S	12E	15	SE¼ SW¼	300	IR	0.80	CROCKER, ARTHUR	T-2001-017
17S	12E	15	SE¼ SW¼	301	IR	1.20	CROCKER, ARTHUR	T-2001-017
17S	12E	23	SE¼ NE¼	116	IR	7.00	VINEYARD CHRISTIAN FELLOWSHIP	T-2001-008
17S	13E	18	NW¼ SW¼	800	IR	2.00	PING, LAMAR A.	T-2001-022
17S	13E	33	NW¼ NW¼	700	IR	0.50	COURTOIS, GARY A.	T-2001-009

TABLE 1.  
AUTHORIZED PLACES OF USE UNDER CERTIFICATES 76358 AND 76714

TWP	RNG	SEC	QTR-QTR	TL	USE	AC	APPLICANT	DIST #
17S	13E	33	NW¼ NW¼	1600	IR	1.00	COURTOIS, GARY A.	T-2001-009
17S	14E	25	NE¼ NW¼	200	IR	2.00	TATE, ROBERT D.	T-2001-014
17S	14E	25	SE¼ NW¼	200	IR	7.00	TATE, ROBERT D.	T-2001-014
18S	12E	2	NW¼ SW¼	600	IR	1.00	WOOD, ELEANOR TRUST	T-2001-001
18S	12E	3	NW¼ NW¼	3001	IR	0.30	HAABY, ROBERT J.	T-2001-010
18S	12E	3	NW¼ NW¼	3100	IR	0.70	HAABY, ROBERT J.	T-2001-010

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 or permit. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2.  
PROPOSED CHANGE IN PLACES OF USE

TWP	RNG	SEC	QTR-QTR	TL	USE	AC	RECIPIENT	DIST #
14S	13E	9	SE¼ NW¼	901	IR	0.50	KIRCHMEIER, S.E.	T-2001-012
14S	13E	20	SE¼ NW¼	500	IR	1.26	SEITZ, PETER	T-2001-020
14S	13E	21	SE¼ NW¼	603	IR	0.50	SIMPSON, RICHARD	T-2001-016
16S	14E	28	SW¼ NE¼	109	IR	4.85	CRUZ, JOSE	T-2001-014
16S	14E	28	SE¼ NW¼	109	IR	0.15	CRUZ, JOSE	T-2001-014
17S	12E	11	SW¼ SE¼	306	IR	2.00	PLATT, RONALD E.	T-2001-017
17S	12E	15	SE¼ NE¼	107	PND	1.00	JOHANNESSEN, DEAN	T-2001-018
17S	12E	36	NW¼ SE¼	1200	IR	7.00	KINE, LARRY	T-2001-008
17S	13E	31	SW¼ SW¼	800	IR	1.00	KEPHART, DAVID W.	T-2001-022
17S	13E	31	SW¼ SW¼	1100	IR	1.00	WALTERS, H.T.	T-2001-001
17S	13E	33	SW¼ NE¼	501	IR	1.00	NEWMAN, JERRY L.	T-2001-010
17S	13E	33	NW¼ NW¼	1600	IR	1.50	COURTOIS, GARY A.	T-2001-009
17S	14E	24	NE¼ SE¼	900	IR	1.50	BIERLY, HUBERT F.	T-2001-014

TABLE 2. PROPOSED CHANGE IN PLACES OF USE								
TWP	RNG	SEC	QTR-QTR	TL	USE	AC	RECIPIENT	DIST #
17S	14E	24	SE¼ SE¼	900	IR	2.50	BIERLY, HUBERT F.	T-2001-014
18S	12E	3	SE¼ NE¼	600	IR	0.50	ST. JOHN, JAMES B.	T-2001-022
18S	13E	6	SE¼ NW¼	900	IR	0.50	CLEVINGER, DOUGLAS C.	T-2001-022
18S	13E	12	NW¼ NE¼	200	IR	1.00	CENTRAL OREGON IRR. DIST.	T-2001-011

### FINDINGS OF FACT

1. Central Oregon Irrigation District petitioned the Department for a permanent change in place of use of water within district boundaries. The petition was received on January 25, 2002, and included the required fees.
2. Staff review of the petition found:
  - The petition contained the information required under ORS 540.574(3) and met the requirements of ORS 540.580;
  - The petition contained maps the District certified as accurate and which were satisfactory to the Department;
  - The petition included the required statement from the District that it had on file, and available for review, written authorization from each landowner affected by the transfer;
  - The rate, duty, and total number of acres proposed for transfer did not exceed that of the water right subject to transfer;
  - The lands from which the water right would be moved by the proposed transfer would not continue to receive water under the water right;
  - The use authorized by the water rights subject to transfer did not change; and
  - The proposed changes in place of use would not result in injury to other water rights.
3. The petition was not filed prior to the end of the calendar year in which the change occurs as required under ORS 540.580(2). However, the District had notified the Department of the petitioned changes prior to obtaining approval for the changes in accordance with ORS 540.580(3). The Department's review of the noticed changes found they caused no injury. Having found no injury, the Department was not required to order the District to cease delivery of water or mitigate injury as authorized by ORS 540.580(5). Although the filing date of the petition represents a failure to comply with statutory criteria, the late filing does not warrant issuance of notice of violation nor does it produce measurable or irreparable harm to the use of the state's water resources and the public interest.

4. The Department published notice of receipt of the petition in the Department's Weekly Notice dated February 25, 2002. The petition was noticed as a transfer within irrigation district boundaries.
5. The Department received no comments or timely protests to the proposed transfer.

#### 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; with the exception that the petition was not received prior to the end of the calendar year in which the change occurs as required under ORS 540.580(2). *See Findings of Fact #3.*
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.

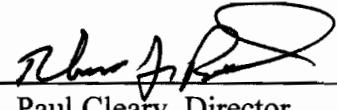
#### ORDER

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, 2004.
  - b. The former places of use shall no longer be irrigated as a part of this water right.
  - c. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by CENTRAL OREGON IRRIGATION DISTRICT, on or before October 1, 2005.
2. Except as modified herein, all other conditions and restrictions on Certificates 76358 and 76714 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 NOV 13 2002.

  
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for Paul Cleary, Director