

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

In the Matter of Transfer Application            )    **F I N A L   O R D E R**  
T-9817, Deschutes County                    )    **APPROVING A DISTRICT**  
  )    **PERMANENT TRANSFER**

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**

CENTRAL OREGON IRRIGATION DISTRICT  
2598 NORTH HIGHWAY 97  
REDMOND, OR 97756

**Findings of Fact**

1. On November 3, 2004, Central Oregon Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76358 and 76714. The Department assigned the application number T-9817.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:  
**Certificate:** 76358, issued in the name of Central Oregon Irrigation District  
**Use:** Irrigation  
**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)  
**Source:** Deschutes River, tributary to Columbia

This is a final order in other than 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 either 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

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

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

**Use:** Supplemental Irrigation

**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 Deschutes River

**Authorized Place of Use:**

AUTHORIZED PLACE OF USE – CERTIFICATES 76358 & 76714											
TWP	RNG	MER	SEC	1/4	1/4	TL	ACRES	USER		NOT#	
14	S	13	E	W.M.	16	NE	NE	100	12.07	FOSS	2004-033
14	S	13	E	W.M.	16	NW	NE	100	3.10	FOSS	2004-033
15	S	13	E	W.M.	9	NW	NW	203	3.50	ALACANO	2004-031
17	S	12	E	W.M.	22	NE	SW	400	2.80	NEWMAN	2004-034
17	S	12	E	W.M.	22	SE	SW	400	0.20	NEWMAN	2004-034
18	S	12	E	W.M.	8	NW	NW	500	2.50	VIKING BUILDERS	2004-026
TOTAL:								24.17			

5. Application T-9817 proposes to change the place of use to:

PROPOSED PLACE OF USE – CERTIFICATES 76358 & 76714											
TWP	RNG	MER	SEC	1/4	1/4	TL	ACRES	USER		NOT#	
14	S	13	E	W.M.	9	NW	SE	1600	13.57	FOSS	2004-033
14	S	13	E	W.M.	9	SW	SE	1900	1.60	FOSS	2004-033
14	S	13	E	W.M.	31	SE	SE	3400	3.30	ALACANO	2004-031
15	S	13	E	W.M.	6	NW	NE	5300	0.20	ALACANO	2004-031
17	S	12	E	W.M.	25	NE	NW	2400	2.50	BRIGGS	2004-026
18	S	13	E	W.M.	8	SE	NW	604	3.00	DELGADO	2004-034
TOTAL:								24.17			

6. 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.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in place of use would not result in enlargement of the rights.
9. The proposed change in place of use would not result in injury to other water rights

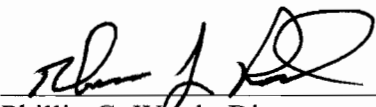
**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-9817 satisfy the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed changes to the water rights evidenced by Certificates 76358 and 76714 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76358 and 76714 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2007.
6. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 29<sup>th</sup> day of JUNE, 2005.

  
for Phillip C. Ward, Director