

Certificate: 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: IRRIGATION of 3.33 acres

Priority Date: OCTOBER 31, 1900 and DECEMBER 2, 1907

Season of Use: April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein as Season 1

May 1 through May 14 & September 16 through September 30 described herein as Season 2

May 15 through September 15 described herein as Season 3

Maximum Quantity (Rate) that can be applied to an acre:

Season 1: Limited to 1/80 cubic foot per second (CFS) per acre

Season 2: Limited to 1/60 CFS per acre

Season 3: Limited to 1/32.4 CFS per acre

Maximum Duty that can be applied to an acre:

Not to exceed 9.91 acre-feet (AF) per acre per year.

The above listed rates and duty reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

Source: Deschutes River, tributary to the Columbia River

Authorized Points of Diversion:

POD #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13

Authorized Places of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice	POD #
17S	14E	WM	14	NW SW	0.20	600	Landon	2011-018	1
18S	12E	WM	2	SW NW	0.50	900	Smith Revocable Living Trust	2011-018	1
18S	13E	WM	2	NW SE	2.63	200	Inman	2011-018	1
Total:					3.33				

7. Transfer Application T-11331 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice	POD #
15S	15E	WM	18	NE NW	1.21	304	White	2011-018	1
15S	15E	WM	18	SE NW	0.95	304	White	2011-018	1
18S	13E	WM	3	NE NW	1.17	1603	Alexander	2011-018	1
Total:					3.33				

8. The portion of the supplemental right to be transferred is as follows:

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 3.33 acres.

Priority Date: February 28, 1913

Limit/Duty: limited to 50,000 acre-feet of stored water only

Source: Crane Prairie Reservoir, constructed under Permit R-1687, a tributary of the Deschutes River

The water right evidenced by Certificate 76714 allows the use of up to 50,000 acre-feet of water stored in Crane Prairie Reservoir, a tributary of the Deschutes River, for supplemental irrigation. The diversion rate is not specified and use is limited to the total volume of stored water to make up any deficiency in supply of the live flow water right appurtenant to specified lands.

Authorized Points of Diversion:

POD #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13

Authorized Places of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice	POD #
17S	14E	WM	14	NW SW	0.20	600	Landon	2011-018	1
18S	12E	WM	2	SW NW	0.50	900	Smith Revocable Living Trust	2011-018	1
18S	13E	WM	2	NW SE	2.63	200	Inman	2011-018	1
Total:					3.33				

9. Transfer Application T-11331 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice	POD #
15S	15E	WM	18	NE NW	1.21	304	White	2011-018	1
15S	15E	WM	18	SE NW	0.95	304	White	2011-018	1
18S	13E	WM	3	NE NW	1.17	1603	Alexander	2011-018	1
Total:					3.33				

10. The season of use described in Certificate 83571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the irrigation season should be:

Season of Use: April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein as Season 1.

May 1 through May 14 & September 15 through September 30 described herein as Season 2.

May 15 through September 14 described herein as Season 3.

11. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed the total rate and duty for the water right would be exceeded. In the event water were diverted

simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the point of diversions (POD)(described in Finding of Fact #3), the portion of the right involved in this transfer would be limited as described in the following tables:

POD # 1				
Priority Date	Season 1	Season 2	Season 3	Duty (AF)
October 31, 1900 (cfs)	0.039	0.053	0.071	31.72
December 2, 1907 (cfs)			0.029	

Transfer Review Criteria (ORS 540.572; OAR 690-385-5000)

12. Central Oregon Irrigation District filed Transfer Application T-11331 prior to the end of the fifth year of non-use as required by OAR 690-385-5600.
13. The authorized places of use which were properly confiscated are within the legal boundaries of COID and are “no longer irrigated” within the meaning of ORS 540.572.
14. COID is managed by a full-time manager. ORS 540.574(1)(a).
15. COID is implementing an approved water conservation plan. ORS 540.574(1)(b).
16. COID met all notice requirements of ORS 540.572 and OAR 690-385-5100.
17. On October 4, 2011, Jerry L. Inman sent a letter to Steven C. Johnson, Secretary-Manager of COID stating they have been working with COID staff to irrigate some of the acreage subject to transfer for non-use.
18. As a result of the information provided in Mr. Inman letter and attachments as well as subsequent field inspections, COID amended the original acreage associated with the Inman property from 4.65 acres to 2.63 acres (as further delineated in Findings of Fact #6 and #8).
19. Other involved landowners (Landon and Smith Revocable Living Trust) did not notify COID nor the Department, that they objected to the District’s actions. Additionally, the landowners did not notify COID or the Department that they had any evidence sufficient to rebut the presumption of forfeiture as required by ORS 540.572(4)(b)(C).
20. Transfer application T-11331 contains the information and map required under OAR 690-385-2000, 690-385-2200 and 690-385-4000.
21. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
22. The proposed change in places of use will not result in enlargement of the rights.
23. The proposed change in places of use will not result in injury to other water rights.

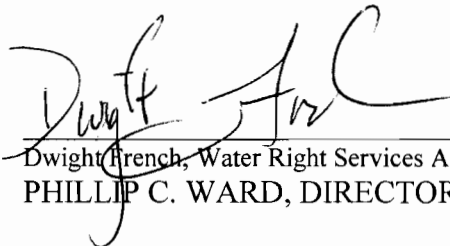
Conclusions of Law

The proposed change in place of use in Transfer Application T-11331 satisfies the requirements of ORS 540.572, 540.574(3), 540.580 and OAR 693-385-5000.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water rights evidenced by Certificates 83571 and 76714 is 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 83571 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 water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. The proposed change, as authorized by this final order, shall be completed within one full year from the approval date plus any additional time before or until October 1, 2013.
6. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2014.
7. Water right certificates 83571 and 76714 are modified. The Department shall issue water right certificates on a determination that it is necessary to produce certificates describing the water rights.

Dated at Salem, Oregon this 22 day of March, 2012.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: **MAR 30 2012**