

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12229, Deschutes 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

THREE SISTERS IRRIGATION DISTRICT
PO BOX 2230
SISTERS, OR 97759

Findings of Fact

1. On December 17, 2015, Three Sisters Irrigation District (TSID) filed a district transfer application to permanently change the place of use under Certificate 74135 and Water Use Permits G-11378 and S-29312. The Department assigned the application number T-12229.
2. Notice of the application for transfer was published on December 22, 2015, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. Three Sisters Irrigation District was formerly named Squaw Creek Irrigation District.
4. The portion of the primary right to be transferred is as follows:

Certificate: 74135 in the name of SQUAW CREEK IRRIGATION DISTRICT (originally confirmed by the Squaw Creek (now Whychus Creek) decree)

Use: IRRIGATION of 105.68 acres

Priority Dates: 1895, 1901, and 1904

Limit/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 ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

Source: Squaw Creek (now Whychus Creek), a tributary of the Deschutes River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15S	10E	WM	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21

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 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:

Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1895	15S	11E	WM	18	NE NW	3.00	200	Stotts	2015-01
1904	14S	12E	WM	6	NE SW	6.00	1000	Pitchfork Ranch LLC	2015-02
1904	14S	12E	WM	6	SE SW	6.00	1000	Pitchfork Ranch LLC	2015-02
1904	14S	12E	WM	6	SW SW	5.00	1000	Pitchfork Ranch LLC	2015-02
1895	14S	12E	WM	6	NE SW	6.50	1000	Pitchfork Ranch LLC	2015-02
1895	14S	12E	WM	6	SE SW	10.70	1000	Pitchfork Ranch LLC	2015-02
1895	14S	12E	WM	6	SW SW	1.30	1000	Pitchfork Ranch LLC	2015-02
1904	14S	11E	WM	14	SE SE	3.10	800	DiPaolo	2015-02
1904	14S	11E	WM	14	NE NE	0.40	400	DiPaolo	2015-03
1904	14S	11E	WM	23	NE NE	1.10	100	Ludi	2015-04
1901	15S	11E	WM	18	NW SW	2.00	1800	Nulton	2015-05
1895	15 S	11E	WM	4	NW NW	0.38	202	Elwing	2015-06
1895	14 S	11E	WM	30	NE SE	0.20	4700	Richardson	2015-08
1895	14 S	11E	WM	11	NE NW	4.00	109	Long Hollow Ranch	2015-08
1895	14 S	11E	WM	11	NW NE*	4.3	110	Long Hollow Ranch	2015-08
1904	14 S	11E	WM	11	NW NE*	1.6	110	Long Hollow Ranch	2015-08
1895	14 S	11E	WM	12	NE NE	10.60	103	Long Hollow Ranch	2015-09
1895	15 S	11E	WM	8	NE NE	3.75	100	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NW NE	7.25	100	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SW NE	1.00	100	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SE NE	2.90	300	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NE NW	9.00	201	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NE NW	0.30	202	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NW NW	0.85	200	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SW NW	1.38	200	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SE NW	1.17	201	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NE SW	6.40	202	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	4	NE SE	2.60	100	Eady	2015-09
1895	15 S	11E	WM	4	NW SE	0.60	100	Eady	2015-09
1895	15 S	11E	WM	4	SE SE	1.20	100	Eady	2015-09
1895	15 S	11E	WM	4	SW SE	1.10	100	Eady	2015-10
Total						105.68			

*This location reflects a correction to a scrivener's error on the HB3111 map and subsequent listing on the certificate.

5. Transfer Application T-12229 proposes to change the places of use to:

Proposed Places of Use:

Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1895	15S	10E	WM	24	SW SE	3.00	500	Sewall	2015-01
1895	14S	12E	WM	6	NW SW	10.60	1001	Pitchfork Ranch LLC	2015-02
1904	14S	12E	WM	6	NE SW	6.90	1000	Pitchfork Ranch LLC	2015-02
1904	14S	12E	WM	6	SE SW	9.70	1000	Pitchfork Ranch LLC	2015-02
1895	14S	12E	WM	6	SE SW	6.00	1000	Pitchfork Ranch LLC	2015-02
1895	14S	12E	WM	7	NW NW	0.80	1000	Pitchfork Ranch LLC	2015-02
1895	14S	12E	WM	7	NE NW	1.10	1000	Pitchfork Ranch LLC	2015-02
1904	14S	12E	WM	7	NE NW	0.40	1000	Pitchfork Ranch LLC	2015-02
1904	14S	11E	WM	12	SE NE	4.60	103	Shepherd	2015-03
1901	15S	11E	WM	18	NW SW	2.00	1600	Smith	2015-04
1895	15S	11E	WM	4	NW NW	0.38	202	Elwing	2015-05
1895	14 S	11E	WM	30	NE SE	0.20	4700	Richardson	2015-06
1895	14 S	11E	WM	1	NE SE	17.00	101	Long Hollow Ranch	2015-08
1904	14 S	11E	WM	1	NE SE	1.60	101	Long Hollow Ranch	2015-08
1895	14 S	11E	WM	1	SE SE	0.90	101	Long Hollow Ranch	2015-08

Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1895	14 S	11E	WM	12	NE NE	1.00	101	Long Hollow Ranch	2015-08
1895	15 S	11E	WM	8	NE NE	5.70	100	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NW NE	2.00	100	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SE NE	9.30	100	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SE NE	1.70	300	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NE SE	1.75	300	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NW SE	2.55	300	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NE NW	3.10	201	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	NE NW	0.27	202	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SE NW	7.02	201	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	8	SE NW	0.61	202	Tumalo Farms I, LLC	2015-09
1895	15 S	11E	WM	4	NE SE	5.50	100	Eady	2015-10
Total						105.68			

6. The appurtenant supplemental and layered water use permits (G-11378 and S-29312) and any rights pertinent to the lands involved in this Transfer Application are transferred concurrently with the primary right as described above.
7. 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.
8. The water right and water use permits are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed changes in place of use will not result in enlargement of the right or water use permits.
10. The proposed change in places of use will not result in injury to other water rights.

Conclusions of Law

The changes in place of use as proposed in Transfer Application T-12229 satisfy the requirements of ORS 540.574(3) and 540.580.

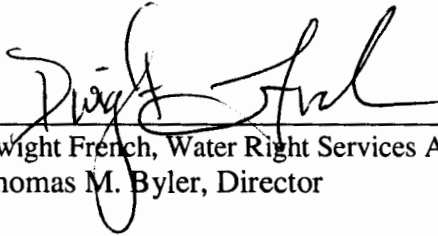
Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water right evidenced by certificate 74135 and water use permits G-11378, and S-29312 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 certificate 74135, water use permits G-11378 and S-29312, any other right, and any related decree.
3. The former places of use shall no longer be irrigated as part of this water right or water use permits.
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, 2017**. A Claim of Beneficial Use shall be submitted by TSID to the

Department within one year after the deadline for completion of the changes and full beneficial use of the water.

6. Water right certificate 74135, water use permits G-11378, and S-29312 are modified. The Department will issue a superseding certificate describing the right and water use permits when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 20 day of April, 2016.



Dwight French, Water Right Services Administrator for
Thomas M. Byler, Director

Mailing Date: APR 15 2016