

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13522, Crook County) A DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 through 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Applicant

OCHOCO IRRIGATION DISTRICT
1001 NW DEER STREET
PRINEVILLE, OR 97754

Findings of Fact

1. On September 16, 2020, OCHOCO Irrigation District (OID) filed a district transfer application to permanently change the place of use under Certificates 82246, 82247 and 82249. The Department assigned the application number T-13522.
2. On September 21, 2020, OID amended their application by new submitting tables and maps, thereby adding an additional 13.4 acres to the transfer request.
3. On October 2, and 7, 2020, OID submitted revised tables and two revised maps to correct scrivener’s errors.
4. Notice of the District Permanent Transfer Application was published on September 29, 2020, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
5. The U.S. Bureau of Reclamation was notified of the transfer application on September 29, 2020; no comments were received within 90 days of the notification.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

6. The portion of the first right to be transferred is as follows:

Certificate: 82246 in the name of OCHOCO IRRIGATION DISTRICT (perfected under Permit S-5426)

Use: IRRIGATION of 28.9 acres and MANUFACTURING of 2.7 acres

Priority Dates: MARCH 13, 1916 (McKay Creek), and AUGUST 10, 1917 (all other sources named on the water right)

Rate & 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 a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Sources: The OCHOCO, MCKAY, DRY, LYTLE AND JOHNSON CREEKS, and ALL WASTE AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS, and OCHOCO RESERVOIR (constructed under Permit R-528), all tributary to the CROOKED RIVER.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL POD 1: 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
14 S	16 E	WM	17	SW SW	0.9	301	MCKINNON	4
14 S	16 E	WM	17	SE SW	0.1	301	MCKINNON	4
14 S	16 E	WM	17	SW SE	0.1	301	MCKINNON	4
14 S	16 E	WM	20	SW SE	2.0	800	TWISS	1-20
14 S	16 E	WM	25	SW SE	2.2	103	DOUBLE BAR LAND LLC	3
14 S	16 E	WM	25	SE SE	3.8	103	DOUBLE BAR LAND LLC	3
14 S	16 E	WM	31	NE NE	10.6	100	SMITH LANDING LLC	2-20
14 S	16 E	WM	31	NW NE	2.4	100	SMITH LANDING LLC	2-20
14 S	16 E	WM	34	NE SE	0.5	1000	DOUBLE BAR LAND LLC	1
14 S	16 E	WM	34	SW SE	1.2	1000	DOUBLE BAR LAND LLC	1
14 S	16 E	WM	34	SE SE	4.0	1000	DOUBLE BAR LAND LLC	1
14 S	16 E	WM	35	NW SW	0.8	300	DOUBLE BAR LAND LLC	2
14 S	16 E	WM	35	SW SW	0.3	300	DOUBLE BAR LAND LLC	2
Total					28.9			

INDUSTRIAL USE								
Twp	Rng	Mer	Sec	Q-Q	Acre	Tax Lot	Water User	Notice
14 S	15 E	WM	13	SW¼ & SE¼	2.70	102	McKINNON	3-20

7. Transfer Application T-13522 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
13 S	15 E	WM	32	SW NE	6.3	104	DEBOODT	2-20
13 S	15 E	WM	32	SE NE	0.3	104	DEBOODT	2-20
13 S	15 E	WM	32	NW SE	6.4	104	DEBOODT	2-20
14 S	15 E	WM	2	SW NE	2.0	107	TWISS	1-20
14 S	16 E	WM	17	NW SW	0.7	301	MCKINNON	4
14 S	16 E	WM	17	SW SW	0.4	301	MCKINNON	4
14 S	16 E	WM	25	NE SE	3.9	103	DOUBLE BAR LAND LLC	1,2,3
14 S	16 E	WM	25	NW SE	0.1	103	DOUBLE BAR LAND LLC	1,2,3
14 S	16 E	WM	25	SW SE	0.1	103	DOUBLE BAR LAND LLC	1,2,3
14 S	16 E	WM	25	SE SE	8.7	103	DOUBLE BAR LAND LLC	1,2,3
Total					28.9			

INDUSTRIAL USE								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	23	SE SE	2.70	602	CITY OF PRINEVILLE	3-20

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

Certificate: 82247 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25991)

Use: SUPPLEMENTAL IRRIGATION of 16.1 acres

Priority Date: APRIL 8, 1914

Rate & 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 a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Sources: CROOKED RIVER and PRINEVILLE RESERVOIR (constructed under Permit R-2223), tributary to the CROOKED RIVER

Authorized Points of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	15 S	15 E	WM	36	SW SE	60 FEET SOUTH AND 1940 FEET WEST FROM THE SE CORNER OF SECTION 36

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
14 S	16 E	WM	17	SW SW	0.9	301	MCKINNON	4
14 S	16 E	WM	17	SE SW	0.1	301	MCKINNON	4
14 S	16 E	WM	17	SW SE	0.1	301	MCKINNON	4
14 S	16 E	WM	20	SW SE	2.0	800	TWISS	1-20

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
14 S	16 E	WM	31	NE NE	10.6	100	SMITH LANDING LLC	2-20
14 S	16 E	WM	31	NW NE	2.4	100	SMITH LANDING LLC	2-20
Total					16.1			

9. Transfer Application T-13522 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
13 S	15 E	WM	32	SW NE	6.3	104	DEBOODT	2-20
13 S	15 E	WM	32	SE NE	0.3	104	DEBOODT	2-20
13 S	15 E	WM	32	NW SE	6.4	104	DEBOODT	2-20
14 S	15 E	WM	2	SW NE	2.0	107	TWISS	1-20
14 S	16 E	WM	17	NW SW	0.7	301	MCKINNON	4
14 S	16 E	WM	17	SW SW	0.4	301	MCKINNON	4
Total					16.1			

10. The portion of the third right to be transferred is as follows:

Certificate: 82249 in the name of OCHOCO IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 12.8 acres

Priority Dates: JULY 8, 1909 or DECEMBER 1, 1909

Rate & Duty: The use of water under this right is limited to compensating for any deficiency in the available supply of an irrigation right existing for the same land. The amount of water used for supplemental irrigation is limited to a diversion of ONE-SEVENTY-SEVENTH (1/77) of one cubic foot per second (or the equivalent) for each acre irrigated. The amount of water used for supplemental irrigation, together with the amount secured under any other water right existing for the same lands, shall be further limited to a diversion not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, OCHOCO CREEK AND SPRINGS, and MCKAY CREEK.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL POD 1: 500 FEET NORTH AND 250 FEET EAST FROM W¼ CORNER OF SECTION 5
15 S	16 E	WM	6	SE NW	POD 10: 1540 FEET SOUTH AND 3165 FEET WEST FROM NE CORNER OF SECTION 6
15 S	17 E	WM	6	NE NW	POD 100: 850 FEET SOUTH AND 190 FEET WEST FROM N¼ CORNER OF SECTION 6

Authorized Place of Use: DOUBLE BAR LAND LLC

SUPPLEMENTAL IRRIGATION									
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
12/1/1909	14 S	16 E	WM	25	SW SE	2.2	103	DOUBLE BAR LAND LLC	3
12/1/1909	14 S	16 E	WM	25	SE SE	3.8	103	DOUBLE BAR LAND LLC	3
7/8/1909	14 S	16 E	WM	34	NE SE	0.5	1000	DOUBLE BAR LAND LLC	1
7/8/1909	14 S	16 E	WM	34	SW SE	1.2	1000	DOUBLE BAR LAND LLC	1
7/8/1909	14 S	16 E	WM	34	SE SE	4.0	1000	DOUBLE BAR LAND LLC	1
7/8/1909	14 S	16 E	WM	35	NW SW	0.8	300	DOUBLE BAR LAND LLC	2
7/8/1909	14 S	16 E	WM	35	SW SW	0.3	300	DOUBLE BAR LAND LLC	2
Total						12.8			

11. Transfer Application T-13522 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION									
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
7/8/1909	14 S	16 E	WM	25	NE SE	3.9	103	DOUBLE BAR LAND LLC	1,2,3
7/8/1909	14 S	16 E	WM	25	NW SE	0.1	103	DOUBLE BAR LAND LLC	1,2,3
7/8/1909	14 S	16 E	WM	25	SW SE	0.1	103	DOUBLE BAR LAND LLC	1,2,3
7/8/1909	14 S	16 E	WM	25	SE SE	2.7	103	DOUBLE BAR LAND LLC	1,2,3
12-1-1909	14 S	16 E	WM	25	SE SE	6.0	103	DOUBLE BAR LAND LLC	1,2,3
Total						12.8			

12. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
13. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
14. The water right is subject to transfer as defined in OAR 690-385-0100(17).
15. The proposed changes in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
16. The proposed changes in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
17. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

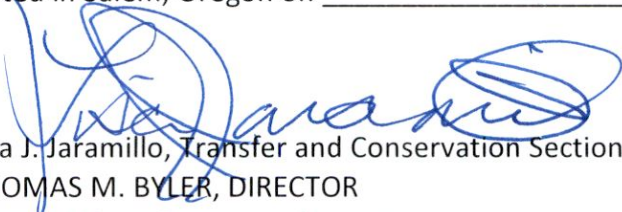
Conclusions of Law

The proposed changes in places of use as proposed in Transfer Application T-13522 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in places of use to the water rights evidenced by Certificates 82246, 82247, and 82249 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 82246, 82247, and 82249.
3. The places of use from which the water right is removed by T-13522 shall no longer be irrigated under the transferred right.
4. The water users 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, 2022**. A Claim of Beneficial Use shall be submitted by OID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 82246, 82247, and 82249 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on DEC 29 2020.


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: ~~DEC 31 2020~~