

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

In the Matter of Transfer Application)	FINAL ORDER
T-12296, Crook County)	APPROVING A 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

OCHOCO IRRIGATION DISTRICT
1001 NW DEER ST.
PRINEVILLE, OREGON 97754

Findings of Fact

1. On March 4, 2016, Ochoco Irrigation District filed a district transfer application to permanently change the place of use under Certificates 82246 and 82247. The Department assigned the application number T-12296.
2. Notice of the application for transfer was published on March 15, 2016, 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:** 82246, issued in the name of Ochoco Irrigation District (perfected under Permit S-5426)
 - Use:** Irrigation of 11.8 Acres
 - Priority Date:** March 13, 1916
 - Rate / Duty:** Limited to a diversion of 1/80 of one cubic foot per second (or the equivalent) for each acre irrigated and further limited to 4.0 acre-feet per acre per year.

Source: Ochoco, McKay, Dry, Lytle and Johnson Creeks, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir.

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 Point of Diversion:

POD #	Twp	Rn	Mer	Sec	Q-Q	Measured Distances
1	15S	17E	WM	5	SW NW	OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14S	16E	WM	33	NW SW	0.9	1605	Crook County School District	1-15
14S	16E	WM	33	SW SW	3.3	1605	Crook County School District	1-15
14S	16E	WM	33	NE SW	1.2	1604	Iron Horse Development	2-15
14S	16E	WM	33	SE SW	1.0	1604	Iron Horse Development	2-15
14S	15E	WM	15	NW NE	0.7	2000	Sarabia	3-15
14S	16E	WM	32	SE SE	0.4	8000-8001-8002	Sun Forrest Construction	4-15
14S	16E	WM	32	SE SE	0.2	--	City of Prineville	5-15
14S	16E	WM	33	NW SW	0.2	--	City of Prineville	5-15
14S	16E	WM	32	SE SE	0.3	--	High Returns LLC	6-15
14S	16E	WM	32	NE SE	0.4	--	High Returns LLC	6-15
14S	16E	WM	33	NW SW	0.2	--	High Returns LLC	6-15
14S	16E	WM	33	NW SW	0.1	--	Savage	7-15
14S	16E	WM	30	NE SE	0.6	100	Cibelli	8-15
14S	16E	WM	30	NE SE	0.1	300	Cibelli	8-15
14S	16E	WM	6	NW SW	0.7	800	Two Sisters Nightmare	9-15
14S	16E	WM	6	NE SW	1.1	800	Two Sisters Nightmare	9-15
14S	16E	WM	6	SW SW	0.4	800	Two Sisters Nightmare	9-15
Total					11.8			

4. Transfer Application T-12296 proposed to change the place of use to:

Proposed Place of Use

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
13S	15E	WM	31	NE SE	2.8	2426	Forrester	1-15
13S	15E	WM	32	NW SW	1.4	2426	Forrester	1-15
13S	15E	WM	32	NW SW	2.2	2426	Forrester	2-15
14S	16E	WM	30	SW SE	0.7	1100	Gillet	3-15
14S	16E	WM	18	NW NE	0.4	104	Albertson	4-15
14S	16E	WM	18	NW NE	0.4	104	Albertson	5-15
14S	16E	WM	18	NW NE	0.9	107	Albertson	6-15
14S	16E	WM	18	NW NE	0.1	107	Albertson	7-15
14S	16E	WM	30	NE SE	0.7	400	Capehart	8-15
14S	16E	WM	6	NW SW	2.2	800	Two Sisters Nightmare	9-15
Total					11.8			

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

Certificate: 82247, issued in the name of U. S. Bureau of Reclamation (perfected under S-25991)

Use: Supplemental Irrigation of 11.8 Acres

Priority Date: April 8, 1914

Rate / Duty: Maximum of 1/40 cubic foot per second or equivalent per acre and further limited to 4.0 acre-feet per acre per year from direct flow and storage.

Source: Crooked River and Prineville Reservoir, tributary to Deschutes River.

Authorized Point of Diversion:

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

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice
14S	16E	WM	33	NW SW	0.9	1605	Crook County School District	1-15
14S	16E	WM	33	SW SW	3.3	1605	Crook County School District	1-15
14S	16E	WM	33	NE SW	1.2	1604	Iron Horse Development	2-15
14S	16E	WM	33	SE SW	1.0	1604	Iron Horse Development	2-15
14S	15E	WM	15	NW NE	0.7	2000	Sarabia	3-15
14S	16E	WM	32	SE SE	0.4	8000-8001-8002	Sun Forrest Construction	4-15
14S	16E	WM	32	SE SE	0.2	--	City of Prineville	5-15
14S	16E	WM	33	NW SW	0.2	--	City of Prineville	5-15
14S	16E	WM	32	SE SE	0.3	--	High Returns LLC	6-15
14S	16E	WM	32	NE SE	0.4	--	High Returns LLC	6-15
14S	16E	WM	33	NW SW	0.2	--	High Returns LLC	6-15
14S	16E	WM	33	NW SW	0.1	--	Savage	7-15
14S	16E	WM	30	NE SE	0.6	100	Cibelli	8-15
14S	16E	WM	30	NE SE	0.1	300	Cibelli	8-15
14S	16E	WM	6	NW SW	0.7	800	Two Sisters Nightmare	9-15
14S	16E	WM	6	NE SW	1.1	800	Two Sisters Nightmare	9-15
14S	16E	WM	6	SW SW	0.4	800	Two Sisters Nightmare	9-15
Total					11.8			

6. Transfer Application T-12296 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice
13S	15E	WM	31	NE SE	2.8	2426	Forrester	1-15
13S	15E	WM	32	NW SW	1.4	2426	Forrester	1-15
13S	15E	WM	32	NW SW	2.2	2426	Forrester	2-15
14S	16E	WM	30	SW SE	0.7	1100	Gillet	3-15
14S	16E	WM	18	NW NE	0.4	104	Albertson	4-15
14S	16E	WM	18	NW NE	0.4	104	Albertson	5-15
14S	16E	WM	18	NW NE	0.9	107	Albertson	6-15
14S	16E	WM	18	NW NE	0.1	107	Albertson	7-15

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot	Water User	Notice
14S	16E	WM	30	NE SE	0.7	400	Capehart	8-15
14S	16E	WM	6	NW SW	2.2	800	Two Sisters Nightmare	9-15
Total					11.8			

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 rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed change in place of use would not result in enlargement of the rights.
10. 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-12296 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes in the place of use to the water rights evidenced by Certificates 82246 and 82247 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 82246 and 82247 and any related decree
3. The former place of use shall no longer be irrigated as part of these water rights.
4. 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 Ochoco Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. Certificates 82246 and 82247 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 21 day of April, 2015.


 Dwight French, Water Right Services Administrator for
 THOMAS M. BYLER, DIRECTOR
 Oregon Water Resources Department

Mailing Date: APR 15 2016