

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-9963, Crook County) ADDITIONAL POINTS OF DIVERSION
)

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

Ochoco Irrigation District
1001 NW Deer Street
Prineville, Oregon 97754

Findings of Fact

1. On June 27, 2005, the Ochoco Irrigation District filed a transfer application to add points of diversion to Certificate 68395. The Department assigned the application number T-9963.
2. T-9963 was filed in association with Ochoco Irrigation District’s ORS 541.329 petition to remap water rights within water districts. The district requested the application be processed concurrently with the ORS 541.329 petition. The transfer application seeks authorization to add points of diversion to serve lands identified in the district’s petition. Pursuant to OAR 690-013-030(2)(b) a change in point of diversion is not eligible to be included in the petition and a district is required to file a transfer application to change a point of diversion if lands cannot be served by existing, authorized diversion points.
3. The Department has issued a Proposed Order approving Ochoco Irrigation District’s ORS 541.329 petition and maps. The district’s maps and petition identify the additional points of diversion covered by T-9963.
4. The right to be transferred is as follows:
Certificate: 68395 in the name of Bureau of Reclamation, United States of America
Use: Irrigation of 2868.3 acres and Supplemental Irrigation of 12,143.4 acres
Priority Date: April 8, 1914
Quantity: 189.18 cubic feet per second (cfs)

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.

Rate/Duty: 1/40 cfs per acre, not to exceed 4.0 acre-feet per acre per year

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

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
15	S	15	E	W.M.	36	SW SE	Crooked River OID Main Canal 09 – 60 Feet North and 1940 Feet West from SE Corner, Section 36

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres	Proposed Points of Diversion
14	S	15	E	W.M.	36	NE NW	1.00	OID 4
14	S	16	E	W.M.	31	SW SW	0.90	OID 3
15	S	16	E	W.M.	6	NW SE	2.80	OID 2
15	S	16	E	W.M.	6	SE SE	2.40	OID 1
15	S	16	E	W.M.	8	NW NW	2.40	OID 5
15	S	16	E	W.M.	8	SW NW	0.40	OID 5

5. Application T-9963 proposes to add points of diversion as follows:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
15	S	16	E	W.M.	6	SE SE	OID 1 – 1674 Feet South & 268 Feet West from E¼ Corner, Sec 8 (1067 feet upstream)
15	S	16	E	W.M.	6	NW SE	OID 2 – 191 Feet South & 1732 Feet West From E¼ Corner, Sec 6 (¼± mile upstream)
14	S	16	E	W.M.	31	SW SW	OID 3 -1049 Feet North & 33 Feet East from SW Corner, Sec 31 (316 feet upstream)
14	S	15	E	W.M.	36	NE NW	OID 4 – 4679 Feet North & 3750 Feet West from SE Corner, Sec 36 (113 feet downstream)
15	S	16	E	W.M.	8	SW NW	OID 5 – 1291 Feet North & 700 Feet East from W¼ Corner, Section 8 (1286 feet upstream)

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.

10. The proposed change would not result in injury to other water rights.

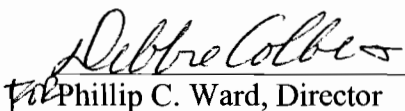
Conclusions of Law

The proposed additional points of diversion in application T-9963 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of diversion proposed in application T-9963 are approved.
2. Water right certificate 68395 is cancelled.
3. 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 68395 and any related decree.
4. The proposed change shall be completed on or before October 1, 2007.
5. The Ochoco Irrigation District ORS 541.329 petition and map currently being evaluated by the Department, shall constitute a Claim of Beneficial Use and final proof map for the additional points of diversion.
6. The quantity of water diverted at the additional points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
7. **Prior** to diverting water, the water user **shall** install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. When an order is issued approving the ORS 541.329 petition map, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17th day of April, 2006.


Phillip C. Ward, Director

Mailing date: APR 19 2006