

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

In the Matter of Transfer Application            )    F I N A L    O R D E R  
T-10487, 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 November 16, 2007 Ochoco Irrigation District filed a district transfer application to permanently change the place of use under Certificates 82246, 82247 and 82248. The Department assigned the application number T-10487.
2. On April 6, 2007 Certificates 82246, 82247 and 82248 were amended by Transfer Order T-10098.
3. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. The portion of the first right to be transferred is as follows:  
**Certificate:** 82246, issued in the name of Ochoco Irrigation District  
**Use:** Irrigation (IR)  
**Priority Date:** August 10, 1917  
**Rate & Duty:** Maximum of 1/80 cfs per acre & 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 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

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	POD#	SURVEY COORDINATES
15 S	17 E	WM	5	SW NW	1	OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

**Authorized Places of Use:**

AUTHORIZED PLACES OF USE – CERTIFICATE 82246 (IR)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
14 S	15 E	WM	2	NW SE	500	0.5	LAMB, MICHAEL	001-07
14 S	15 E	WM	2	SW SE	501	1.3	LAMB, MICHAEL	001-07 004-07
14 S	15 E	WM	25	SW SE	1500	1.6	CHOLIN, RON	006-07
14 S	16 E	WM	29	NW SW	5400	5.1	HARPER, SIDNEY	002-07 003-07 010-07
14 S	16 E	WM	29	SW SW	2102	0.9	HARPER, SIDNEY	002-07 003-07 010-07
14 S	16 E	WM	30	NE NE	3504	0.5	CRIBSON, ROBERT	005-07
15 S	16 E	WM	4	NW NE	1300	1.2	SUMMITT ACCOMODATORS	007-07
TOTAL:						11.1		

5. Application T-10487 proposes to change the places of use to:

PROPOSED PLACES OF USE – CERTIFICATE 82246 (IR)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
14 S	15 E	WM	1	SE SW	103	1.2	LOFTNESS, ALAN	010-07
14 S	15 E	WM	1	SW SE	103	0.3	LOFTNESS, ALAN	010-07
14 S	15 E	WM	8	NE NW	200	0.6	ARCHER, CURTIS	001-07
14 S	15 E	WM	8	NE NW	200	3.0	ARCHER, CURTIS	002-07
14 S	15 E	WM	25	SE NW	2900	0.9	PUCKETT, STEVE	003-07
14 S	15 E	WM	25	SE NW	3000	0.6	PUCKETT, STEVE	003-07
14 S	15 E	WM	15	SW SE	810	0.5	STEPHENS, ORV	005-07
14 S	15 E	WM	15	SW SE	810	1.6	STEPHENS, ORV	006-07
14 S	16 E	WM	29	SW SE	1100	1.2	LENT, STEVE	004-07
15 S	16 E	WM	4	NE NE	900	1.2	INT'L CHURCH FOUR SQUARE	007-07
TOTAL:						11.1		

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

**Certificate:** 82247, issued in the name of U. S. Bureau of Reclamation

**Use:** Supplemental Irrigation (IS)

**Priority Date:** April 8, 1914

**Rate & Duty:** Maximum of 1/40 cfs per acre and 4.0 acre-feet per acre per year

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

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	POD#	SURVEY COORDINATES
15 S	15 E	W.M.	36	SW SE	2	60 FEET NORTH AND 1940 FEET WEST FROM THE SE CORNER OF SECTION 36

**Authorized Places of Use:**

AUTHORIZED PLACES OF USE – CERTIFICATE 82247 (IS)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
14 S	15 E	WM	2	NW SE	500	0.5	LAMB, MICHAEL	001-07
14 S	15 E	WM	2	SW SE	501	1.3	LAMB, MICHAEL	001-07 004-07
14 S	15 E	WM	25	SW SE	1500	1.6	CHOLIN, RON	006-07
14 S	16 E	WM	29	NW SW	5400	5.1	HARPER, SIDNEY	002-07 003-07 010-07
14 S	16 E	WM	29	SW SW	2102	0.9	HARPER, SIDNEY	002-07 003-07 010-07
14 S	16 E	WM	30	NE NE	3504	0.5	CRIBSON, ROBERT	005-07
TOTAL:						9.9		

7. Certificate 82247 lists Sidney Harper as the owner of record for 5.1 acres located at Township 14 S Range 16 E W.M., Section 29 NW SW (Tax lot No. 5400) and 0.9 acres in the SW SW (Tax lot No. 2102) of the same section. However, notice numbers 002-07, 003-07 and 010-07, published by Ochoco Irrigation District indicate that Main McKay Development LLC currently owns both lots.

8. Application T-10487 proposes to change the places of use to:

PROPOSED PLACES OF USE – CERTIFICATE 82247 (IR)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
14 S	15 E	WM	8	NE NW	200	0.6	ARCHER, CURTIS	001-07
14 S	15 E	WM	8	NE NW	200	3.0	ARCHER, CURTIS	002-07
14 S	15 E	WM	25	SE NW	2900	0.9	PUCKETT, STEVE	003-07
14 S	15 E	WM	25	SE NW	3000	0.6	PUCKETT, STEVE	003-07
14 S	16 E	WM	29	SW SE	1100	1.2	LENT, STEVE	004-07
14 S	15 E	WM	15	SW SE	810	0.5	STEPHENS, ORV	005-07
14 S	15 E	WM	15	SW SE	810	1.6	STEPHENS, ORV	006-07
14 S	15 E	WM	1	SE SW	103	1.2	LOFTNESS, ALAN	010-07
14 S	15 E	WM	1	SW SE	103	0.3	LOFTNESS, ALAN	010-07
TOTAL:						9.9		

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

**Certificate:** 82248, issued in the name of Ochoco Irrigation District

**Use:** INDUSTRIAL (IND)

**Priority Date:** 1986

**Rate & Duty:** Maximum of 2.75 cfs per acre & 4.0 acre-feet per equivalent acre per year.

**Source:** Ochoco Creek

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	POD#	SURVEY COORDINATES
15 S	17 E	W.M.	5	SW NW	1	OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

**Authorized Place of Use:**

AUTHORIZED PLACE OF USE – CERTIFICATE 82248 (IND)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
14S	15E	WM	23	NE NW NW NW SE NW	112, 200	75.0 EQ	STAFFORD RANCHES	008-07 009-07
TOTAL:						75.0 EQ		

10. Application T-10487 proposed to change the places of use to:

PROPOSED PLACES USE – CERTIFICATE 82248 (IND)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
14S	15E	WM	25	E ½ W ½ W ¼, NE ¼	101, 200	74.7 EQ	ROCK PRODUCTS MANUFACTURING	008-07
14S	16E	WM	20	SW NE SE NW	900	0.3 EQ	STAFFORD LOGGING	009-07
TOTAL:						75.0 EQ		

11. 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.

12. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

13. The proposed change in place of use would not result in enlargement of the rights.

14. The proposed change in place of use would not result in injury to other water rights.

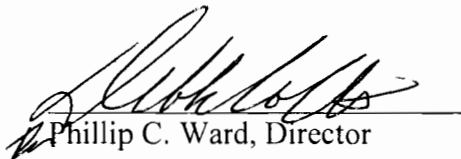
## Conclusions of Law

The proposed changes in place of use in Transfer Application T-10487 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 rights evidenced by Certificates 82246, 82247 and 82448 are approved.
2. The right to the use of the water is restricted to beneficial use at the above described places of use and is subject to all other conditions and limitations contained in Certificates 82246, 82247 and 82448 or any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The proposed changes in place of use shall be completed on or before October 1, 2009.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
6. Certificates 82246, 82247 and 82248 are hereby modified. The Department will issue superseding certificates describing the rights when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 28<sup>th</sup> day of February, 2008.

  
Phillip C. Ward, Director

Mailing Date: 3-3-08