# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12549, Jefferson County	)	A DISTRICT PERMANENT TRANSFER
	)	FOR PLACE OF USE

## **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**

NORTH UNIT IRRIGATION DISTRICT 2024 NW BEECH STREET MADRAS, OR 97741

#### Findings of Fact

- 1. On December 30, 2016, North Unit Irrigation District (NUID) filed a district transfer application to permanently change the places of use under Certificates 72279, 72281 and 90177. The Department assigned the application number T-12549.
- 2. Notice of the District Permanent Transfer Application was published on December 27, 2016, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 3. On March 21, 2017, NUID submitted superseding correcting maps.
- 4. The portion of the first right to be transferred is as follows:

Certificate: 72279 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected

under Permit S-23196)

Use: IRRIGATION of 23.2 acres

**Priority Date:** FEBRUARY 28, 2013

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-FORTHIETH of one cubic foot per second (or its equivalent) and 5.25 acre-feet per acre during the irrigation season of each year, and is further subject to the terms and conditions of the State Engineer's Orders dated

January 20, 1955 and February 4, 1955.

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.

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).

Sources: The DESCHUTES RIVER, WICKIUP RESERVOIR (constructed under Permit R-1677, and HAYSTACK RESERVOIR (constructed under Permit R-1754), tributaries to the COLUMBIA RIVER.

# **Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SENE	DESCHUTES RIVER: 1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
22 S	9 E	WM	M 7 SW NE WICKIUP RESEVOIR – NO		WICKIUP RESEVOIR – NONE GIVEN
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR – NONE GIVEN

# **Authorized Place of Use:**

					IRRIG	ATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
9 S	13 E	WM	26	NE SE	0.60	500	GROTE	16-01
9 S	13 E	WM	26	SE SE	0.50	500	GROTE	16-01
10 S	14 E	WM	20	SE NW	2.00	200	FORRISTALL	16-07
12 S	12 E	WM	25	NE NW	1.60	208	TICHENOR	16-04
12 S	12 E	WM	25	SW NW	1.80	201	BELANGER	16-05
12 S	12 E	WM	25	SW SW	0.60	201	BELANGER	16-05
12 S	13 E	WM	9	NW NE	0.50	900	FINLEY	16-06-C
12 S	13 E	WM	9	NW NE	0.50	302	LIGHT	16-06-B
12 S	13 E	WM	9	SW NE	0.80	1000	KURZ	16-06-A
12 S	13 E	WM	9	SW NW	2.60	600	DINKEL	16-03
12 S	13 E	WM	9	SE NW	0.40	600	DINKEL	16-03
12 S	13 E	WM	11	NW SE	7.20	700	BISSELL	16-02
12 S	13 E	WM	11	SW SE	1.60	700	BISSELL	16-02
12 S	13 E	WM	14	NE NE	2.40	100	BISSELL	16-02
12 S	13 E	WM	14	NW NE	0.10	100	BISSELL	16-02
				TOTAL	23.2			

# 5. Transfer Application T-12549 proposes to change the place of use to:

# **Proposed Place of Use:**

					IRRIG	ATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
9 S	13 E	WM	26	SE SE	1.10	500	GROTE	16-01
10 S	14 E	WM	20	NE SW	2.00	400	YOUNG REVOCABLE LIVING TRUST	16-07
12 S	12 E	WM	25	NE NW	1.20	202	BELANGER	16-05
12 S	12 E	WM	25	NE NW	1.60	208	TICHENOR	16-04
12 S	12 E	WM	25	SW NW	0.80	201	BELANGER	16-05
12 S	12 E	WM	25	SE NW	0.40	202	BELANGER	16-05
12 S	13 E	WM	9	NW NE	0.50	302	LIGHT	16-06-B
12 S	13 E	WM	9	SW NE	0.50	302	LIGHT	16-06-C
12 S	13 E	WM	9	SW NE	0.80	302	LIGHT	16-06-A
12 S	13 E	WM	9	SW NW	0.10	600	DINKEL	16-03
12 S	13 E	WM	9	SE NW	2.90	600	DINKEL	16-03
12 S	13 E	WM	11	SE SE	0.60	700	BISSELL	16-02
12 S	13 E	WM	14	NE NE	6.70	100	BISSELL	16-02

	IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice				
12 S	13 E	WM	14	NW NE	4.00	100	BISSELL	16-02				
				TOTAL	23.2		•					

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

Certificate: 72281 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected

under Permit S-25921)

Use: SUPPLEMENTAL IRRIGATION of 23.2 acres

Priority Date: JUNE 23, 1955

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) and 4.0 acre-

feet for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, tributary to the Deschutes River

#### **Authorized Point of Diversion:**

Twp	p Rng Mer Sec Q-Q		Mer Sec Q-Q Measured Distances					
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13			

### **Authorized Place of Use:**

				SUPPLEM	MENTA	L IRRIGA	ΓΙΟΝ	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
9 S	13 E	WM	26	NE SE	0.60	500	GROTE	16-01
9 S	13 E	WM	26	SE SE	0.50	500	GROTE	16-01
10 S	14 E	WM	20	SE NW	2.00	200	FORRISTALL	16-07
12 S	12 E	WM	25	NE NW	1.60	208	TICHENOR	16-04
12 S	12 E	WM	25	SW NW	1.80	201	BELANGER	16-05
12 S	12 E	WM	25	SW SW	0.60	201	BELANGER	16-05
12 S	13 E	WM	9	NW NE	0.50	900	FINLEY	16-06-C
12 S	13 E	WM	9	NW NE	0.50	302	LIGHT	16-06-B
12 S	13 E	WM	9	SW NW	2.60	600	DINKEL	16-03
12 S	13 E	WM	9	SW NE	0.80	1000	KURZ	16-06-A
12 S	13 E	WM	9	SE NW	0.40	600	DINKEL	16-03
12 S	13 E	WM	11	NW SE	7.20	700	BISSELL	16-02
12 S	13 E	WM	11	SW SE	1.60	700	BISSELL	16-02
12 S	13 E	WM	14	NE NE	2.40	100	BISSELL	16-02
12 S	13 E	WM	14	NW NE	0.10	100	BISSELL	16-02
				TOTAL	23.2			

7. Transfer Application T-12549 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					
9 S	13 E	WM	26	SE SE	1.10	500	GROTE	16-01					
10 S	14 E	WM	20	NE SW	2.00	400	YOUNG REVOCABLE LIVING TRUST	16-07					
12 S	12 E	WM	25	NE NW	1.20	202	BELANGER	16-05					
12 S	12 E	WM	25	NE NW	1.60	208	TICHENOR	16-04					

				SUPPLEM	MENTA	L IRRIGA	TION	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
12 S	12 E	WM	25	SW NW	0.80	201	BELANGER	16-05
12 S	12 E	WM	25	SE NW	0.40	202	BELANGER	16-05
12 S	13 E	WM	9	NW NE	0.50	302	LIGHT	16-06-B
12 S	13 E	WM	9	SW NE	0.50	302	LIGHT	16-06-C
12 S	13 E	WM	9	SW NE	0.80	302	LIGHT	16-06-A
12 S	13 E	WM	9	SW NW	0.10	600	DINKEL	16-03
12 S	13 E	WM	9	SE NW	2.90	600	DINKEL	16-03
12 S	13 E	WM	11	SE SE	0.60	700	BISSELL	16-02
12 S	13 E	WM	14	NE NE	6.70	100	BISSELL	16-02
12 S	13 E	WM	14	NW NE	4.00	100	BISSELL	16-02
				TOTAL	23.2			

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

Certificate: 90177 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected

under Permit S-33954)

Use: IRRIGATION of 13.0 acres

Priority Dates: SEPTEMBER 18, 1968

Rate / Duty: The amount 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) and 3.97 acre-feet for each acre irrigated during the irrigation season of each year and is further subject to the terms and conditions of a stipulations as noted in the certificate

of record.

Source: CROOKED RIVER, tributary to the Deschutes River

#### **Authorized Point of Diversion:**

Twp	Rng Mer Sec Q-Q		Q-Q	Measured Distances	
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

#### **Authorized Place of Use:**

					IRRI	GATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
10 S	13 E	WM	26	SW SE	0.30	2800	CITY OF MADRAS	16-08
10 S	13 E	WM	35	NW SW	3.90	100	CITY OF MADRAS	16-08
10 S	13 E	WM	35	SW SW	0.20	100	CITY OF MADRAS	16-08
10 S	13 E	WM	35	SE SW	3.10	100	CITY OF MADRAS	16-08
10 S	13 E	WM	35	NE SW	1.10	100	CITY OF MADRAS	16-08
12 S	12 E	WM	25	NE NW	0.50	208	TICHENOR	16-04
12 S	12 E	WM	25	SE NW	0.80	202	BELANGER	16-05
12 S	13 E	WM	9	SW NW	0.60	600	DINKEL	16-03
12 S	13 E	WM	11	SW SE	0.30	700	BISSELL	16-02
12 S	13 E	WM	14	NE NE	2.20	100	BISSELL	16-02
				TOTAL	13.0			

9. Transfer Application T-12549 proposes to change the place of use to:

#### **Proposed Place of Use:**

					IRRI	GATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
10 S	13 E	WM	27	SE NE	1.50	100	CITY OF MADRAS	16-08
10 S	13 E	WM	27	NE SE	2.20	100	CITY OF MADRAS	16-08
10 S	13 E	WM	27	SE SE	2.20	100	CITY OF MADRAS	16-08
10 S	13 E	WM	34	NE NE	2.20	100	CITY OF MADRAS	16-08
10 S	13 E	WM	34	SE NE	0.50	100	CITY OF MADRAS	16-08
12 S	12 E	WM	25	NE NW	0.80	202	BELANGER	16-05
12 S	12 E	WM	25	NE NW	0.50	208	TICHENOR	16-04
12 S	13 E	WM	9	SE NW	0.60	600	DINKEL	16-03
12 S	13 E	WM	11	NW SE	1.00	700	BISSELL	16-02
12 S	13 E	WM	11	SW SE	0.20	700	BISSELL	16-02
12 S	13 E	WM	11	SE SE	0.50	700	BISSELL	16-02
12 S	13 E	WM	14	NE NE	0.80	100	BISSELL	16-02
				TOTAL	13.0			

- 10. The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.
- 11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 12. The proposed change in place of use will not result in enlargement of the rights.
- 13. The proposed change in place of use will not result in injury to other water rights.

#### **Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-12549 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 72279, 72281, and 90177 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 72279, 72281, and 90177 and any related decree.
- 3. The former places of use shall no longer be irrigated as part of these water rights.
- 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, 2018**. A Claim of Beneficial Use shall be submitted by NUID 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 72279, 72281, and 90177 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 3 day of March 2017.

Dwight French, Water Right Services Administrator for

THOMAS M. BYLER, DIRECTOR Oregon Department of Water Resources

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Mailing Date: \_\_\_\_\_