

**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-10429, 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**

CROOK COUNTY IMPROVEMENT DISTRICT #1  
7837 NW LONE PINE LANE  
TERREBONNE OR 97760

**Findings of Fact**

**Background**

1. On July 2, 2007, Crook County Improvement District #1 filed an application to change the place of use under Certificates 72197, 76714, 83635 and 83636. The Department assigned the application number T-10429.

2. 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.

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

**Certificate:** 72197 in the name of Alan Russell (confirmed by Deschutes River (F) decree)

**Use:** IRRIGATION of 18.9 ACRES

**Priority Date:** OCTOBER 31, 1900

**Rate:** 0.23 CUBIC FOOT PER SECOND

**Limit/Duty:** not to exceed the quantity determined by the duty of water as set by decree of the Circuit Court for Deschutes County, dated March 24, 1933, being:

April 1 to May 1 & Oct. 1 to Nov. 1           1 cfs to 137.0 acres

May 1 to May 15 & Sept. 15 to Oct. 1       1 cfs to 109.0 acres

May 15 to Sept. 15                            1 cfs to 86.6 acres

As measured at the Lone Pine Weir, not to exceed 4.2 acre feet for each acre irrigated during the irrigation season.

**Source:** DESCHUTES RIVER, tributary to COLUMBIA RIVER

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	SURVEY COORDINATES
17 S	12 E	WM	29	SE NE	NORTH 36 DEGREES 45 MINUTES WEST, 1056.8 FT FROM THE EAST 1/4 CORNER OF SECTION 29; WEIR LOCATION - 14S 13E 13 SWSE

**Authorized Place of Use:**

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	33	SE SE		900	3.10	JOYCE COATS
14 S	14 E	WM	4	NE NE		00100	0.10	JOYCE COATS
14 S	14 E	WM	4	SE NE		00100	1.80	JOYCE COATS
14 S	14 E	WM	4	NE SE		00100	7.40	JOYCE COATS
14 S	14 E	WM	4	NW SE		00100	0.60	JOYCE COATS
14 S	14 E	WM	4	SW SE		00100	4.20	JOYCE COATS
14 S	14 E	WM	4	SE SE		00100	1.40	JOYCE COATS
14 S	14 E	WM	9	NW NE		00100	0.30	JOYCE COATS
TOTAL:							18.90	

4. Application T-10429 proposes to change the place of use of the right to:

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	33	SW SE		900	4.30	JOYCE COATS
13 S	14 E	WM	33	SE SE		900	0.70	JOYCE COATS
14 S	14 E	WM	4	NE NE	1	00100	0.40	JOYCE COATS
14 S	14 E	WM	4	NE NW	3	00100	0.30	JOYCE COATS
14 S	14 E	WM	4	NW NW	4	00100	1.60	JOYCE COATS
14 S	14 E	WM	4	NE SE		00100	0.80	JOYCE COATS
14 S	14 E	WM	4	SW SE		00100	0.50	JOYCE COATS
14 S	14 E	WM	4	SE SE		00100	1.40	JOYCE COATS
14 S	14 E	WM	9	NW NE		00100	4.40	JOYCE COATS
14 S	14 E	WM	9	NE NW		00200	4.50	JOYCE COATS
TOTAL:							18.90	

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

**Certificate:** 76714 in the name of Central Oregon Irrigation District (perfected under Permit S-23256)

**Use:** SUPPLEMENTAL IRRIGATION of 18.5 acres

**Priority Date:** FEBRUARY 28, 1913

**Source:** CRANE PRAIRIE RESERVOIR, tributary to DESCHUTES RIVER

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
17 S	12 E	WM	29	SE NE	CENTRAL OR 11 850 FEET NORTH & 630 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 29
21 S	8 E	WM	17	NE NE	CRANE PRAIRIE RESERVOIR DAM

**Authorized Place of Use:**

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	33	SE SE		900	3.10	JOYCE COATS
14 S	14 E	WM	4	NE NE		00100	0.10	JOYCE COATS
14 S	14 E	WM	4	SE NE		00100	1.80	JOYCE COATS
14 S	14 E	WM	4	NE SE		00100	7.40	JOYCE COATS
14 S	14 E	WM	4	NW SE		00100	0.60	JOYCE COATS
14 S	14 E	WM	4	SW SE		00100	4.20	JOYCE COATS
14 S	14 E	WM	4	SE SE		00100	1.40	JOYCE COATS
14 S	14 E	WM	9	NW NE		00100	0.30	JOYCE COATS
<b>TOTAL:</b>							<b>18.90</b>	

1. Application T-10429 proposes to change the place of use of the right to:

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	33	SW SE		900	4.30	JOYCE COATS
13 S	14 E	WM	33	SE SE		900	0.70	JOYCE COATS
14 S	14 E	WM	4	NE NE	1	00100	0.40	JOYCE COATS
14 S	14 E	WM	4	NE NW	3	00100	0.30	JOYCE COATS
14 S	14 E	WM	4	NW NW	4	00100	1.60	JOYCE COATS
14 S	14 E	WM	4	NE SE		00100	0.80	JOYCE COATS
14 S	14 E	WM	4	SW SE		00100	0.50	JOYCE COATS
14 S	14 E	WM	4	SE SE		00100	1.40	JOYCE COATS
14 S	14 E	WM	9	NW NE		00100	4.40	JOYCE COATS
14 S	14 E	WM	9	NE NW		00200	4.50	JOYCE COATS
<b>TOTAL:</b>							<b>18.90</b>	

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

**Certificate:** 83636 in the name of Harold Buckner (perfected under Permit G-7908)

**Use:** Supplemental Irrigation of 1.3 ACRES

**Priority Date:** February 8, 1978

**Rate:** 0.01 CUBIC FOOT PER SECOND

**Limit/Duty:** One-eightieth of one cubic foot per second and shall not to exceed 3 acre-feet per acre irrigated during the irrigation season. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

**Source:** well #4, tributary to Crooked River Basin

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
13 S	14 E	WM	33	SW SE	420 FEET NORTH AND 2240 FEET WEST FROM THE SE CORNER OF SECTION 33

**Authorized Place of Use:**

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	33	SE SE		900	1.2	JOYCE COATS
13 S	14 E	WM	4	NE NE	1	00100	0.1	JOYCE COATS
<b>TOTAL:</b>							<b>1.30</b>	

7. Application T-10429 proposes to change the place of use of the right to:

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	33	SW SE		900	0.60	JOYCE COATS
13 S	14 E	WM	33	SE SE		900	0.70	JOYCE COATS
TOTAL:							1.30	

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

**Certificate:** 83635 in the name of Harold Buckner (perfected under Permit G-7907)

**Use:** Supplemental Irrigation of 0.1 ACRE

**Priority Date:** July 28, 1961

**Rate:** 0.001 CUBIC FOOT PER SECOND

**Limit/Duty:** One-eightieth of one cubic foot per second and shall not to exceed 3 acre-feet per acre irrigated during the irrigation season. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

**Source:** Buckner Brothers well #1, tributary to Crooked River Basin

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
13 S	14 E	WM	33	NE SE	858 FEET SOUTH AND 20 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 33

**Authorized Place of Use:**

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	4	NE NE	1	00100	0.10	JOYCE COATS

9. Application T-10429 proposes to change the place of use of the right to:

TWP	RNG	MER	SEC	Q-Q	GLOT	TAXLOT	ACRES	USER
13 S	14 E	WM	33	SW SE		00100	0.10	JOYCE COATS

**Transfer Review Criteria (OAR 690-385-5000)**

10. 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.

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

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

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

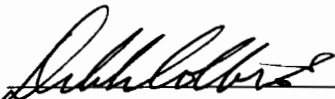
**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-10429 satisfy the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

1. The Department approves the proposed changes in place of use to the water rights evidenced by Certificates 72197, 76714, 83635 and 83636.
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 72197, 76714, 83635 and 83636 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 83635 and 83636 are canceled. Superseding Certificates 84404 and 84405 are issued to describe the remaining portions of the two water rights NOT modified by this transfer.
7. Certificates 72197 and 76714 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 15<sup>th</sup> day of July, 2008.

  
Phillip C. Ward, Director

Mailing Date: JUL 02 2008