

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13091, Crook County) A DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 through 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (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 STREET
PRINEVILLE, OR 97754

Findings of Fact

1. On December 28, 2018, OCHOCO Irrigation District (OID) filed a district transfer application to permanently change the place of use under Certificates 82246, 82247, 82249, 82267 and 82267. The Department assigned the application number T-13091.
2. Notice of the District Permanent Transfer Application was published on January 8, 2019, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on January 8, 2019; no comments were received within 90 days of the notification.
4. On February 18, 2019, by email, OID corrected a scrivener's error in a certificate number for one place of use parcel and in a tax lot number.
5. On October 24, 2019, OID amended their application to include the transfer of two supplemental water rights layered with primary irrigation involving 6.0 acres.

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).

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

Certificate: 82246 in the name of OCHOCO IRRIGATION DISTRICT (perfected under Permit S-5426)

Use: IRRIGATION of 235.3 acres

Priority Dates: MARCH 13, 1916 (McKay Creek), and AUGUST 10, 1917 (all other sources named on the water right)

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-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Sources: OCHOCO, MCKAY, DRY, LYTLE AND JOHNSON CREEKS, and ALL WASTE AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS, and OCHOCO RESERVOIR (constructed under Permit R-528), all tributary to the CROOKED RIVER.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL POD 1: 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	2	NW NE	3.1	104	CROSS	10
14 S	16 E	WM	21	NE SW	1.1	100	STAFFORD	4
14 S	16 E	WM	21	SE SW	0.2	100	STAFFORD	4
14 S	16 E	WM	21	NW SE	0.4	100	STAFFORD	4
14 S	16 E	WM	21	SW SE	0.8	100	STAFFORD	4
14 S	16 E	WM	21	SW SE	0.4	100	STAFFORD	4
14 S	16 E	WM	21	SW SE	2.1	100	STAFFORD	4
14 S	16 E	WM	27	NW NW	0.9	202	STAFFORD	6
14 S	16 E	WM	27	SW NW	33.9	202	STAFFORD	6
14 S	16 E	WM	27	SE NW	3.6	202	STAFFORD	6
14 S	16 E	WM	27	NE SW	7.6	202	STAFFORD	5
14 S	16 E	WM	27	NW SW	30.5	202	STAFFORD	6
14 S	16 E	WM	27	SW SW	0.4	202	STAFFORD	6
14 S	16 E	WM	27	NW SE	0.3	4200	CONLEE	7
14 S	16 E	WM	28	NE NE	0.9	102	STAFFORD	6
14 S	16 E	WM	28	NE NE	0.9	1601	DeBACA LAND & CATTLE LLC	1
14 S	16 E	WM	28	NW NE	12.3	1601	DeBACA LAND & CATTLE LLC	1
14 S	16 E	WM	28	SW NE	10.4	1601	DeBACA LAND & CATTLE LLC	1
14 S	16 E	WM	28	SW NE	6.7	102	STAFFORD	6
14 S	16 E	WM	28	SE NE	37.3	102	STAFFORD	6
14 S	16 E	WM	28	NE NW	22.1	1601	DeBACA LAND & CATTLE LLC	1
14 S	16 E	WM	28	SE NW	10.1	1601	DeBACA LAND & CATTLE LLC	1

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	16 E	WM	28	NW SW	6.0	1601	DeBACA LAND & CATTLE LLC	2
14 S	16 E	WM	28	NE SE	5.2	102	STAFFORD	6
14 S	16 E	WM	29	SW NW	0.8	800	SCHNEIDER	9
14 S	16 E	WM	30	NE SE	0.5	2100	COOLEY	8
15 S	16 E	WM	1	NE NW	10.7	600	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NW NW	25.7	600	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	SE NW	0.4	600	DeBACA LAND & CATTLE LLC	5
Total:					235.3			

7. Transfer Application T-13091 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	2	NW NE	0.8	104	CROSS	9
14 S	15 E	WM	2	NW NE	3.1	104	CROSS	10
14 S	15 E	WM	15	NW SE	0.5	802	COOLEY	8
14 S	16 E	WM	26	NW NW	0.3	200	PETERSEN	7
14 S	16 E	WM	27	NW NW	0.6	202	STAFFORD	6
14 S	16 E	WM	27	SW NW	32.4	202	STAFFORD	6
14 S	16 E	WM	27	SE NW	3.4	202	STAFFORD	6
14 S	16 E	WM	27	NE SW	3.1	202	STAFFORD	6
14 S	16 E	WM	27	NW SW	26.9	202	STAFFORD	6
14 S	16 E	WM	28	NE NE	14.3	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	NE NE	7.1	102	STAFFORD	6
14 S	16 E	WM	28	NW NE	18.4	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	NW NE	9.6	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	NW NE	0.1	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	SW NE	14.6	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	SW NE	4.8	102	STAFFORD	6
14 S	16 E	WM	28	SE NE	39.8	102	STAFFORD	6
14 S	16 E	WM	28	NE NW	14.5	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	NE NW	11.6	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	NW NW	3.0	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	SE NW	9.5	1601	DeBACA LAND & CATTLE LLC	1,2,4,5
14 S	16 E	WM	28	NE SE	8.9	102	STAFFORD	6
15 S	16 E	WM	1	NE NW	1.0	600-5	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NE NW	1.0	600-6	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NE NW	1.0	600-8	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NW NW	1.0	600-7	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NW NW	1.0	600-1	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NW NW	1.0	600-2	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NW NW	1.0	600-3	DeBACA LAND & CATTLE LLC	5
15 S	16 E	WM	1	NW NW	1.0	600-4	DeBACA LAND & CATTLE LLC	5
Total:					235.3			

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

Certificate: 82247 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25991)

Use: SUPPLEMENTAL IRRIGATION of 10.4 acres

Priority Date: APRIL 8, 1914

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) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Sources: CROOKED RIVER and PRINEVILLE RESERVOIR (constructed under Permit R-2223), tributary to the CROOKED RIVER

Authorized Point of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9	15 S	16 E	WM	6	NW SE	191 FEET SOUTH AND 1732 FEET WEST FROM THE E1/4 CORNER OF SECTION 6

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	2	NW NE	3.1	104	CROSS	10
14 S	16 E	WM	28	NW SW	6.0	1601	DeBACA LAND & CATTLE LLC	3
14 S	16 E	WM	29	SW NW	0.8	800	SCHNEIDER	9
14 S	16 E	WM	30	NE SE	0.5	2100	COOLEY	8
Total:					10.4			

9. Transfer Application T-13091 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
14 S	15 E	WM	2	NW NE	0.8	104	CROSS	9
14 S	15 E	WM	2	NW NE	3.1	104	CROSS	10
14 S	15 E	WM	15	NW SE	0.5	802	COOLEY	8
14 S	16 E	WM	20	SW NE	6.0	901	STAFFORD	3
Total:					10.4			

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

Certificate: 82249 in the name of OCHOCO IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 1.7 acres

Rate & Duty: The use of water under this right is limited to compensating for any deficiency in the available supply of an irrigation right existing for the same land. The amount of water used for supplemental irrigation is listed to a diversion of ONE-SEVENTY-SEVENTH (1/77) of one cubic foot per second (or the equivalent) for each acre irrigated. The amount of water used for supplemental irrigation, together with the amount secured under any other

water right existing for the same lands, shall be further limited to a diversion not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, OCHOCO CREEK SPRINGS, and MCKAY CREEK,

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL POD 1: 500 FEET NORTH AND 250 FEET EAST FROM W¼ CORNER OF SECTION 5
15 S	16 E	WM	6	SE NW	POD 10: 1540 FEET SOUTH AND 3165 FEET WEST FROM NE CORNER OF SECTION 6
15 S	17 E	WM	6	NE NW	POD 100: 850 FEET SOUTH AND 190 FEET WEST FROM N¼ CORNER OF SECTION 6

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION										
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
1906	14 S	15 E	WM	2	NW NE	1.7	104	CROSS	11	

11. Transfer Application T-13091 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION										
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
1906	14 S	15 E	WM	2	NW NE	1.7	104	CROSS	11	

12. The portion of the forth right to be transferred is as follows:

Certificate: 82267 in the name of BROOKS RESOURCES CORP and HUDSPETH FAMILY LIMITED PARTNERSHIP (perfected under Permit S-23496)

Use: SUPPLEMENTAL IRRIGATION of 6.0 acres

Priority Date: DECEMBER 10, 1954

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 the equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: AN UNNAMED STREAM, tributary of OCHOCO CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
14 S	16 E	WM	28	NW SW

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User		Notice	
14 S	16 E	WM	28	NW SW	6.0	1601	DeBACA LAND & CATTLE LLC		N/A	

13. Transfer Application T-13091 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
14 S	16 E	WM	28	NE NW	6.0	1601	DeBACA LAND & CATTLE LLC	N/A

14. The portion of the fifth right to be transferred is as follows:

Certificate: 82268 in the name of BROOKS RESOURCES CORP and HUDSPETH FAMILY LIMITED PARTNERSHIP (perfected under Permit S-23497)

Use: SUPPLEMENTAL IRRIGATION of 6.0 acres

Priority Date: DECEMBER 10, 1954

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion not to exceed 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to a diversion not to exceed 6.9 AF of stored water.

Source: BARNES BUTTE RESERVOIR (Permit R-1734), a tributary of OCHOCO CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
14 S	16 E	WM	28	NW SW

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	16 E	WM	28	NW SW	6.0	1601	DeBACA LAND & CATTLE LLC	N/A

15. Transfer Application T-13091 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
14 S	16 E	WM	28	NE NW	6.0	1601	DeBACA LAND & CATTLE LLC	N/A

16. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.

17. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.

18. The water right is subject to transfer as defined in OAR 690-385-0100(17).

19. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).

20. The proposed change in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
21. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

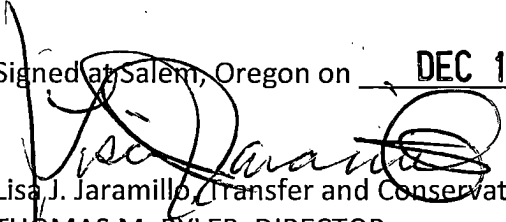
Conclusions of Law

The proposed change in places of use as proposed in Transfer Application T-13091 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed change in places of use to the water rights evidenced by Certificates 82246, 82247, 82249, 82267, and 82268 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 82246, 82247, 82249, 82267, and 82268.
3. The places of use from which the water right is removed by T-13091 shall no longer be irrigated under the transferred rights.
4. The water users shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Water right Certificates 82267 and 82268 are cancelled. New certificates will be issued describing those portions of the right not affected by this transfer.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use shall be submitted by OID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Water right Certificates 82246, 82247, and 82249 are modified. After satisfactory proof of completion has been determined by the Department, superseding confirming-remaining water right certificates will be issued when the Department determines it is necessary for record keeping.
8. After satisfactory proof of beneficial use has been received, new certificates confirming the rights transferred will be issued for Certificates 82267 and 82268.

Signed at Salem, Oregon on DEC 18 2019


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: DEC 20 2019