

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

In the Matter of Transfer Application            )    FINAL ORDER APPROVING  
T-13838, 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 September 27, 2021, OCHOCO Irrigation District (OID) filed a district transfer application to permanently change the place of use under Certificates 82246 and 82247. The Department assigned the application number T-13838.
2. Notice of the District Permanent Transfer Application was published on October 12, 2021, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. January 3, 2022, OID submitted maps with minor corrections, and on January 4, 2022, OID submitted corrected place of use tables.
4. The U.S. Bureau of Reclamation was notified of the transfer application on October 12, 2021; no comments were received within 90 days of the notification.
5. On February 1, 2017, OID modified the application to include supplemental water right certificates, and on February 16, 2017, OID submitted superseding correcting maps.

This final order in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, 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 31.8 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:** The 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	Taxlot	Water User	Notice
14 S	15 E	WM	9	NE NE	2.0	100	GUTHRIE	6-21
14 S	15 E	WM	17	NE SW	0.8	403	FAHLSTROM	3-21
14 S	15 E	WM	17	NW SW	1.7	403	FAHLSTROM	3-21
14 S	16 E	WM	26	NW NW	2.2	200	PETERSEN	5-21
14 S	16 E	WM	27	NE NW	8.0	201	S AND S HAY RANCH LLC	4-21
14 S	16 E	WM	31	NW NE	14.9	100	SMITH LANDING LLC	1-21
14 S	16 E	WM	31	NE NW	2.2	100	SMITH LANDING LLC	2-21
<b>TOTAL</b>					<b>31.8</b>			

7. Transfer Application T-13838 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
13 S	15 E	WM	33	NW NE	0.2	110	DEHLER	1-21; 2-21
13 S	15 E	WM	33	SW NE	7.1	110	DEHLER	1-21; 2-21
13 S	15 E	WM	33	NE NW	0.3	109	DEHLER	1-21; 2-21
13 S	15 E	WM	33	SE NW	9.5	109	DEHLER	1-21; 2-21
14 S	15 E	WM	5	NW SW	2.0	300	GUTHRIE	6-21
14 S	15 E	WM	17	SW NW	2.5	400	FAHLSTROM	3-21
14 S	16 E	WM	26	NW NW	10.2	200	PETERSON	4-21; 5-21
<b>TOTAL</b>					<b>31.8</b>			

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 21.6 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 Points of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	15 S	15 E	WM	36	SW SE	60 FEET SOUTH AND 1940 FEET WEST FROM THE SE CORNER OF SECTION 36

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
14 S	15 E	WM	9	NE NE	2.0	100	GUTHRIE	6-21
14 S	15 E	WM	17	NE SW	0.8	403	FAHLSTROM	4-21
14 S	15 E	WM	17	NW SW	1.7	403	FAHLSTROM	3-21
14 S	16 E	WM	31	NW NE	14.9	100	SMITH LANDING LLC	1-21
14 S	16 E	WM	31	NE NW	2.2	100	SMITH LANDING LLC	1-21
<b>TOTAL</b>					<b>21.6</b>			

9. Transfer Application T-13838 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
13 S	15 E	WM	33	NW NE	0.2	110	DEHLER	1-21; 2-21
13 S	15 E	WM	33	SW NE	7.1	110	DEHLER	1-21; 2-21
13 S	15 E	WM	33	NE NW	0.3	109	DEHLER	1-21; 2-21
13 S	15 E	WM	33	SE NW	9.5	109	DEHLER	1-21; 2-21
14 S	15 E	WM	5	NW SW	2.0	300	GUTHRIE	6-2
14 S	15 E	WM	17	SW NW	2.5	400	FAHLSTROM	3-21; 4-21
<b>TOTAL</b>					<b>21.6</b>			

10. 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 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.

11. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
12. The water right is subject to transfer as defined in OAR 690-385-0100(17).
13. The proposed changes in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
14. The proposed changes in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
15. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

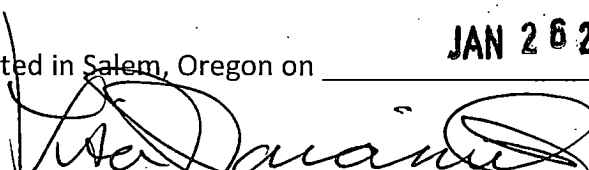
### Conclusions of Law

The proposed changes in places of use as proposed in Transfer Application T-13838 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

### Now, therefore, it is ORDERED:

1. The proposed changes in places of use to the water rights evidenced by Certificates 82246 and 82247 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-13838 shall no longer be irrigated, and are cancelled from Certificates 82246 and 82247.
3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 82246 and 82247 and any related decree.
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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
6. Water right Certificates 82246 and 82247 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on JAN 26 2022

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

Mailing Date: JAN 27 2022