

**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-10155, Deschutes 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

CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE CT
REDMOND, OR 97756

Findings of Fact

1. On April 26, 2006 Central Oregon Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76358 and 76714. The Department assigned the application number T-10155.
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. On September 26, 2007 Certificate 76358 was cancelled and superseded by Certificate 83571.
4. The portion of the primary right to be transferred is as follows:

Certificate: 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: IRRIGATION

Priority Date: OCTOBER 31, 1900 and DECEMBER 2, 1907

Season of Use: April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein as Season 1

May 1 through May 14 & September 16 through September 30 described herein as Season 2

May 15 through September 15 described herein as Season 3

Maximum Quantity (Rate) that can be applied to an acre:

Season 1: Limited to 1/80 cubic foot per second (CFS) per acre

Season 2: Limited to 1/60 CFS per acre

Season 3: Limited to 1/32.4 CFS per acre

Maximum Duty that can be applied to an acre:

Not to exceed 9.91 acre-feet (AF) per acre per year

The above listed rates and duty reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

Source: Deschutes River, tributary to Columbia

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼ ¼	Location
18S	11E	W.M.	13	SW NE	POD #1 (Central Oregon Canal): 1520 feet South & 1535 feet West from the NE corner of Section 13

- 5. The portion of the supplemental right to be transferred is as follows: 83571

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION

Priority Date: February 28, 1913

Limit/Duty: limited to 50,000 acre-feet of stored water only

Source: Crane Prairie Reservoir, constructed under Permit R-1687, a tributary of the Deschutes River

The water right evidenced by Certificate 76714 allows the use of up to 50,000 acre-feet of water stored in Crane Prairie Reservoir, a tributary of the Deschutes River, for supplemental irrigation. The diversion rate is not specified and use is limited to the total volume of stored water to make up any deficiency in supply of the live flow water right appurtenant to specified lands.

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼ ¼	Location
18S	11E	W.M.	13	SWNE	POD #1 (Central Oregon Canal): 1520 feet South & 1535 feet West from the NE corner of Section 13.

Authorized Places of Use:

AUTHORIZED PLACES OF USE—Certificates 83571 & 76714								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE #
14S	13E	WM	16	SE SW	200	0.09	COID/Quit Claim	T-2005-044
14S	13E	WM	17	SW NW	1801	0.05	Maurice & Wilma Mewes	T-2005-044
15S	12 E	WM	24	SE NW	703	0.70	Daryl L. & Kayleen Buerger	T-2005-042
15S	12E	WM	25	SW NE	606	0.45	COID/Quitclaim	T-2005-044

15S	14E	WM	34	NW SE	600	3.00	Terry & Georgeanna Dugan	T-2006-004
17S	12E	WM	25	SE NE	109	0.30	Lee & Linda Davis Revocable Trust	T-2006-002
17S	12E	WM	26	NW SE	3500	4.00	Lee & Linda Davis Revocable Trust	T-2006-002
18S	13E	WM	4	NE NW	900	2.10	Robert T. & Eve L. Brown	T-2006-006
18S	13E	WM	4	NW NW	900	0.20	Robert T. & Eve L. Brown	T-2006-006
TOTAL:						10.89		

6. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #4), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #4), the portion of the right involved in this transfer would be limited as described in the following table:

<i>Priority Date</i>	<i>Season 1</i>	<i>Season 2</i>	<i>Season 3</i>	<i>Duty</i>
<i>October 31, 1900 (cfs)</i>	<i>0.136</i>	<i>0.181</i>	<i>0.239</i>	<i>107.45 AF</i>
<i>December 2, 1907 (cfs)</i>			<i>0.096</i>	

7. Application T-10155 proposes to change the places of use to:

PROPOSED PLACES OF USE— Certificates 83571 & 76714								
TWP	RNG	MER	SEC	Q--Q	TL	ACRES	USER	NOTICE #
14S	13E	WM	17	SW NW	1801	0.59	Maurice & Wilma Mewes	T-2005-044
15S	12E	WM	24	SW NE	703	0.18	Daryl L. & Kayleen Buerger	T-2005-042
15S	12 E	WM	24	SE NW	703	0.52	Daryl L. & Kayleen Buerger	T-2005-042
15S	14E	WM	34	NW SE	600	3.00	Terry & Georgeanna Dugan	T-2006-004
17S	12E	WM	25	NE NE	109	0.80	Lee & Linda Davis Revocable Trust	T-2006-002
17S	12E	WM	25	SE NE	109	3.50	Lee & Linda Davis Revocable Trust	T-2006-002
18S	13E	WM	4	NW NW	900	2.30	Robert T. & Eve L. Brown	T-2006-006
TOTAL:						10.89		

8. 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.

9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed change in place of use will not result in enlargement of the rights.
11. The proposed change in place of use will not result in injury to other water rights.

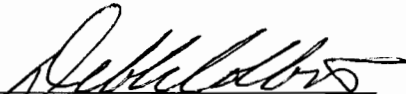
Conclusions of Law

The proposed change in place of use in Transfer Application T-10155 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water rights evidenced by Certificates 83571 and 76714 is 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 83571 and 76714 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change, as authorized by this final order, shall be completed within one full year from the approval date plus any additional time before or until October 1, 2009.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
6. The Department shall issue water right certificates on a determination that it is necessary to produce certificates describing the water rights.

Dated at Salem, Oregon this 17th day of March, 2008.


Phillip C. Ward, Director

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Mailing Date: MAR 27 2008