



2. On October 6, 2020, COID sent by certified mail, notices to the same fifteen (15) water users stating COID's intent to confiscate the water right appurtenant to their lands due to five consecutive years of non-use, and file a petition with the Department to transfer the unused portions of the water right to other lands in the District. The notice also advised the water users of their opportunity to object in writing within a 30 day period that began October 6, 2020. All persons holding a recorded security interest in the affected lands were also notified. The contents of the notices meet the requirements of ORS 540.572(3)-(4) and OAR 690-385-5100.
3. COID did not submit to OWRD any written objections received by the district from any water user within 30 days of the notice described in Finding of Fact #2.
4. COID received written objections from four water users within 30 days of the notice described in Finding of Fact #2, two of which ultimately resulted in hearings before COID's board of directors consistent with ORS 540.572(5). Following the hearings on November 10, 2020, the district notified the water users that the board of directors made the decision to proceed with a petition to the Department for approval of transfer of the respective lands under ORS 540.574. The application includes copies of the objections and the findings, and the determinations and conclusions resulting from the hearing.
5. On December 28, 2020, COID sent by certified mail, notices to the water users of the district whose right of record is to be transferred and to those who are to receive the transferred right. The notice informed them that COID filed a petition with the Department to remove water rights due to five consecutive years of non-use. Copies of the permanent transfer application (petition) and maps submitted to the Department were included in the notice. The notice also informed the water users of their opportunity to submit to the Department, a protest consistent with OAR 690-385-5700 against approval of the permanent transfer. The contents of the notice meet the requirements of ORS 540.576 and OAR 690-385-5400. No protests were received within the 60 day protest period that began December 28, 2020.
6. On December 30, 2020, the Department received COID's district transfer application to permanently change the place of use under Certificates 94956 and 76714. The application includes lands to be evaluated under ORS 540.572 (8.56 acres) for non-use, and lands *not involved in a non-use process* (6.11 acres) to be evaluated under ORS 540.580. The Department assigned the application number T-13589.
7. Notice of the District Permanent Transfer Application for Non-Use for 8.56 acres was published on January 26, 2021, pursuant to ORS 540.580 and OAR 690-385-5500 with a 30 day comment period. No comments were filed in response to the notice.
8. Notice of the District Permanent Transfer Application for 6.11 acres *not involved in a non-use process* was published on January 26, 2021, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
9. The U.S. Bureau of Reclamation was notified of the transfer application on January 26, 2021, no comments were received within 90 days of the notification.

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

**Certificate:** 94956 in the name of CENTRAL OREGON IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

**Use:** IRRIGATION of 14.67 acres

**Priority Dates:** OCTOBER 31, 1900 and DECEMBER 2, 1907

**Seasons of Use:** Season 1: April 1 through April 30 & October 1 through October 31  
 Season 2: May 1 through May 14 & September 16 through September 30  
 Season 3: May 15 through September 15

**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:** The Deschutes River, tributary to the Columbia River

**Authorized Points of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13
11	17 S	12 E	WM	29	SE NE	COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION									
	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
*	14 S	13 E	WM	22	NE SW	0.07	1500	LEONARDO FRANZESE & MONTE FRANZESE, TRUSTEES	11
*	14 S	13 E	WM	22	NW SE	0.55	1500	LEONARDO FRANZESE & MONTE FRANZESE, TRUSTEES	11
	14 S	13 E	WM	27	SW NE	0.37	301	ARNETT	11
	14 S	13 E	WM	33	NE SE	0.18	2500	SMITH / SMITH	11
*	14 S	15 E	WM	32	SE SE	0.03	100	LEIF	1
	15 S	12 E	WM	1	SE SE	0.10	2700	MONSON	11
	15 S	12 E	WM	25	NW SE	0.10	902	HANNAN	11
*	15 S	13 E	WM	4	NW NE	0.67	200	COID	11
	15 S	13 E	WM	4	NE SE	0.20	100	KAROMA PROPERTIES LLC	11
	15 S	13 E	WM	6	SE NE	0.79	3500	HERNANDEZ	11
	15 S	13 E	WM	7	NE SE	1.33	1200	BLACK	11
	15 S	13 E	WM	18	NW SE	0.19	2100	HALL / HALL	11
*	15 S	15 E	WM	4	NE NW	0.75	1301	LEIF	1
*	15 S	15 E	WM	4	NW NW	3.00	1301	LEIF	1
*	15 S	15 E	WM	5	NE NE	0.07	1301	LEIF	1

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
16 S	12 E	WM	11	SW NE	0.11	101	SHATKA	11
16 S	12 E	WM	11	NW SW	0.96	401	PETERSEN ROCK GARDENS	11
17 S	12 E	WM	15	NE NE	0.10	200	COLE	11
17 S	13 E	WM	19	NW SE	0.55	1300	LAFRANCHI	1
17 S	13 E	WM	21	NW SE	1.53	1403	EAST CASCADE ADVENTURES	1
17 S	13 E	WM	30	NE SW	1.84	400	SHERIDAN	1
* 17 S	13 E	WM	31	NE SW	0.97	200	RICH & ELLINGSON HWY 20 RESIDENCE TRUST	1
17 S	14 E	WM	27	NW NW	0.21	200	WILLIS	11
<b>Total</b>					<b>14.67</b>			

\* Lands totaling 6.11 acres not involved in transfer due to non-use

11. Transfer Application T-13589 proposes to change the Place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
* 14 S	13 E	WM	9	SE NW	0.32	901	KIRCHMEIER	11
* 14 S	15 E	WM	32	SW SE	0.40	1301	LEIF	1
* 14 S	15 E	WM	32	SE SE	0.75	100	LEIF	1
* 15 S	12 E	WM	12	SE SE	1.00	401	LARKIN	11
* 15 S	13 E	WM	6	NE NW	2.00	100	WALKER	11
* 15 S	15 E	WM	4	NW NW	1.65	1301	LEIF	1
* 15 S	15 E	WM	4	SW NW	4.18	1301	LEIF	1
* 16 S	12 E	WM	2	SE SE	1.40	1302	SHEAR / GUYETTE	11
* 17 S	12 E	WM	14	SW NE	0.57	803	GASPER	11
* 17 S	12 E	WM	14	SE NW	0.43	803	GASPER	11
* 17 S	13 E	WM	31	NE SW	1.97	200	RICH & ELLINGSON HWY 20 RESIDENCE TRUST	1
<b>Total</b>					<b>14.67</b>			

\* Portions of these Lands totaling 6.11 acres are not involved in transfer due to non-use

12. 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 14.67 acres

**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:**

Twp	Rng	Mer	Sec	Q-Q	POD Name
21 S	8 E	WM	17	NE NE	CRANE PRAIRIE RESERVOIR DAM

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	
*	14 S	13 E	WM	22	NE SW	0.07	1500	LEONARDO FRANZESE & MONTE FRANZESE, TRUSTEES
*	14 S	13 E	WM	22	NW SE	0.55	1500	LEONARDO FRANZESE & MONTE FRANZESE, TRUSTEES
	14 S	13 E	WM	27	SW NE	0.37	301	ARNETT
	14 S	13 E	WM	33	NE SE	0.18	2500	SMITH / SMITH
*	14 S	15 E	WM	32	SE SE	0.03	100	LEIF
	15 S	12 E	WM	1	SE SE	0.10	2700	MONSON
	15 S	12 E	WM	25	NW SE	0.10	902	HANNAN
*	15 S	13 E	WM	4	NW NE	0.67	200	COID
	15 S	13 E	WM	4	NE SE	0.20	100	KAROMA PROPERTIES LLC
	15 S	13 E	WM	6	SE NE	0.79	3500	HERNANDEZ
	15 S	13 E	WM	7	NE SE	1.33	1200	BLACK
	15 S	13 E	WM	18	NW SE	0.19	2100	HALL / HALL
*	15 S	15 E	WM	4	NE NW	0.75	1301	LEIF
*	15 S	15 E	WM	4	NW NW	3.00	1301	LEIF
*	15 S	15 E	WM	5	NE NE	0.07	1301	LEIF
	16 S	12 E	WM	11	SW NE	0.11	101	SHATKA
	16 S	12 E	WM	11	NW SW	0.96	401	PETERSEN ROCK GARDENS
	17 S	12 E	WM	15	NE NE	0.10	200	COLE
	17 S	13 E	WM	19	NW SE	0.55	1300	LAFRANCHI
	17 S	13 E	WM	21	NW SE	1.53	1403	EAST CASCADE ADVENTURES
	17 S	13 E	WM	30	NE SW	1.84	400	SHERIDAN
*	17 S	13 E	WM	31	NE SW	0.97	200	RICH & ELLINGSON HWY 20 RESIDENCE TRUST
	17 S	14 E	WM	27	NW NW	0.21	200	WILLIS
					<b>Total</b>	<b>14.67</b>		

\* Lands totaling 6.11 acres not involved in transfer due to non-use

13. Transfer Application T-13589 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	
*	14 S	13 E	WM	9	SE NW	0.32	901	KIRCHMEIER
*	14 S	15 E	WM	32	SW SE	0.40	1301	LEIF
*	14 S	15 E	WM	32	SE SE	0.75	100	LEIF
*	15 S	12 E	WM	12	SE SE	1.00	401	LARKIN
*	15 S	13 E	WM	6	NE NW	2.00	100	WALKER
*	15 S	15 E	WM	4	NW NW	1.65	1301	LEIF
*	15 S	15 E	WM	4	SW NW	4.18	1301	LEIF
*	16 S	12 E	WM	2	SE SE	1.40	1302	SHEAR / GUYETTE
*	17 S	12 E	WM	14	SE NW	0.43	803	GASPER

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
* 17 S	12 E	WM	14	SW NE	0.57	803	GASPER
* 17 S	13 E	WM	31	NE SW	1.97	200	RICH & ELLINGSON HWY 20 RESIDENCE TRUST
<b>Total</b>					<b>14.67</b>		

\* Portions of these Lands totaling 6.11 acres are not involved in transfer due to non-use

**Transfer Review Criteria for Lands Subject to Non-Use (8.56 acres) Transferred under ORS 540.572-540.580; OAR 690-358-5000 through 690-385-5800**

14. COID is managed by a full-time manager. *ORS 540.572(1)(a) and OAR 690-385-5000(1).*
15. COID is implementing an approved water conservation plan. *ORS 540.572(1)(b) and OAR 690-385-5000(2).*
16. Transfer T-13589 involves the use of water on lands located within the boundaries of COID. *ORS 540.572(1) and OAR 690-385-5000(3).*
17. COID determined the users had not made beneficial use of water for four successive years as shown in Finding of Facts #1. *OAR 690-385-5000(4).*
18. Based on the evidence contained in the letters and required notices, water was not put to beneficial use during the 2016, 2017, 2018, 2019, and 2020 irrigation seasons on the authorized lands designated in Finding of Facts #10 and #12, above, as lands involved in the transfer due to non-use. *OAR 690-385-5000(4).* These authorized places of use are “no longer irrigated” as defined in ORS 540.572(7).
19. The district provided notice to the users of their intent to transfer and provided opportunity to resolve the matter in the manner described by ORS 540.272 and OAR 690-385-5400 and 690-385-5600. *OAR 690-385-5000(5).* [See Findings of Facts 1-4.]
20. COID filed Transfer Application T-13589 prior to the end of the fifth year of non-use as required by OAR 690-385-5600(5).
21. Transfer application T-13589 meets the application standards of ORS 540.574 and OAR 690-385-5200.
22. The maps meet the standards of ORS 540.574(1) and OAR 690-385-5300.
23. The water rights are subject to transfer as defined in OAR 690-385-0100(17). *OAR 690-385-5600(1).*
24. The proposed change in place of use will not result in enlargement of the rights as defined in OAR 690-385-0100(4). *OAR 690-385-5600(2).*
25. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6). *OAR 690-385-5600(3).*

***Transfer Review Criteria for Lands (6.11 acres) Transferred under ORS 540.580 and OAR 690-385-4000.***

26. The Department finds that the portion of the district permanent transfer application 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.
27. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
28. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
29. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
30. 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 place of use as proposed in Transfer Application T-13589 satisfy the requirements of ORS 540.572 to 540.580 and OAR 693-385-5000 & 690-385-5600.

The proposed changes in place of use as proposed in Transfer Application T-13589 satisfy the requirements of ORS 540.572 to 540.580, OAR 690-385-4500, OAR 693-385-5000, and 690-385-5600.

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

1. The proposed changes in place of use to the water rights evidenced by Certificates 94956 and 76714 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-13589 shall no longer be irrigated, and are cancelled from Certificates 94956 and 76714.
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 94956 and 76714, and any related decree.
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, 2022**. A Claim of Beneficial Use shall be submitted by COID 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 94956 and 76714 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                     **MAY 0 4 2021**                    

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

Mailing Date:                     **MAY 0 5 2021**