

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-9763,)	CHANGE IN THE PLACE OF USE AND
Deschutes County, Oregon)	CHARACTER OF USE OF WATER

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Central Oregon Irrigation District
2598 N Hwy 97
Redmond, OR 97756

Receiving Landowner

The Canyons Land & Cattle Co.
1336 NE Eby Ave.
Terrebonne, OR 97760

Findings of Fact

1. Central Oregon Irrigation District (The Canyons Land & Cattle Co.) filed an application to change the use and place of use, under Certificates 76358 and 76714. The Department assigned the application number T-9763.

2. The portions of the rights to be transferred are as follows:

Certificate: 76358 in the name of Central Oregon Irrigation District (COID)
Use: Irrigation and pond maintenance
Priority Date: October 31, 1900 and December 2, 1907
Season of Use: April 1 through November 1, further limited as follows:
 April 1 to May 1 & October 1 to November 1 described as Season 1
 May 1 to May 15 & September 15 to October 1 described as Season 2
 May 15 to September 15 described as Season 3
Acres: 42.78 acres and acres/equivalent; being 42.18 acres for irrigation and 0.60 acre/equivalent for pond maintenance
Rate: Season 1 (limited to 1/80 cfs per acre): 0.53 cfs
 Season 2 (limited to 1/60 cfs per acre): 0.71 cfs
 Season 3 (limited to 1/32.4 cfs per acre): 1.32 cfs, being 0.94 cfs under the 1900 priority date and 0.38 cfs under the 1907 priority date
Duty: Not to exceed 9.91 acre-feet (AF) per acre: 423.95 AF

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 137-004-080 and OAR 690-01-005 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.

The quantities listed 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, will not be allowed the 45% transmission loss.

Source: Deschutes River, tributary to the Columbia River

Certificate: 76714 in the name of COID

Use: Supplemental Irrigation

Priority Date: February 28, 1913

Season of Use: April 1 through October 31

Acres: 42.78 acres and acres/equivalent; being 42.18 acres for irrigation and 0.60 acre/equivalent for pond use

Quantity: Not to exceed a total of 50,000 acre-feet of stored water only for the entire right, if available at the authorized point of diversion from the source, limited to the duty of water as set out in the modified supplemental decree of the circuit court dated March 24, 1933, in the matter of the determination of the relative rights to the use of the water of the Deschutes River and its tributaries. The amount of water allowed under this right, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and is further limited to the terms of the Central Oregon Irrigation District, Crook County Improvement District #1, and the Arnold Irrigation District, and subject to such reasonable rotation system as may be ordered by the proper state officer.

Source: Crane Prairie Reservoir, tributary to the Deschutes River

Authorized Point(s) of Diversion:

Township	Range	Meridian	Sec	¼	¼	Lot	DLC	Location	
17	S	12	E	W.M.	29	SE NE	-	-	COID North Canal – 850 feet north & 630 feet west from the E¼ Corner of Section 29
21	S	8	E	W.M.	17	NE NE	-	-	Crane Prairie Reservoir Dam

Authorized Place of Use:

Section 3

Township	Range	Meridian	Sec	¼	¼	Tax Lot	DLC	Acres	
14	S	13	E	W.M.	3	SE NE	300	-	Irrigation off 0.30 acre
14	S	13	E	W.M.	3	SE NW	200	-	Irrigation off 0.20 acre
14	S	13	E	W.M.	3	SE NW	300	-	Irrigation off 1.30 acres
14	S	13	E	W.M.	3	NE SW	200	-	Irrigation off 2.40 acres
14	S	13	E	W.M.	3	SW SW	200	-	Irrigation off 1.10 acres
14	S	13	E	W.M.	3	SE SW	200	-	Irrigation off 1.50 acres

Township		Range		Meridian	Sec	¼	¼	Tax Lot	DLC	Acres
14	S	13	E	W.M.	3	NW	SE	300	-	Irrigation off 1.00 acre, Pond off 0.60 acre
14	S	13	E	W.M.	3	NW	SE	400	-	Irrigation off 0.90 acre
14	S	13	E	W.M.	3	NW	SE	500	-	Irrigation off 0.20 acre
14	S	13	E	W.M.	3	NW	SE	700	-	Irrigation off 0.90 acre
14	S	13	E	W.M.	3	SW	SE	700	-	Irrigation off 3.30 acres
14	S	13	E	W.M.	3	SW	SE	800	-	Irrigation off 0.30 acre
14	S	13	E	W.M.	3	SE	SE	700	-	Irrigation off 0.20 acre

Section 9

Township		Range		Meridian	Sec	¼	¼	Tax Lot	DLC	Acres
14	S	13	E	W.M.	9	NE	NE	101	-	Irrigation off 1.60 acres
14	S	13	E	W.M.	9	NE	NE	102	-	Irrigation off 0.10 acre
14	S	13	E	W.M.	9	SE	NE	1800	-	Irrigation off 0.10 acre

Section 10

Township		Range		Meridian	Sec	¼	¼	Tax Lot	DLC	Acres
14	S	13	E	W.M.	10	NW	NE	500	-	Irrigation off 7.50 acres
14	S	13	E	W.M.	10	NW	NE	503	-	Irrigation off 0.50 acre
14	S	13	E	W.M.	10	NW	NE	701	-	Irrigation off 0.07 acre
14	S	13	E	W.M.	10	SW	NE	500	-	Irrigation off 1.40 acres
14	S	13	E	W.M.	10	SW	NE	503	-	Irrigation off 0.60 acre
14	S	13	E	W.M.	10	SE	NE	200	-	Irrigation off 0.50 acre
14	S	13	E	W.M.	10	NE	NW	500	-	Irrigation off 0.40 acre
14	S	13	E	W.M.	10	NE	NW	504	-	Irrigation off 1.30 acres
14	S	13	E	W.M.	10	NW	NW	500	-	Irrigation off 0.05 acre
14	S	13	E	W.M.	10	NW	NW	503	-	Irrigation off 0.25 acre
14	S	13	E	W.M.	10	NW	NW	504	-	Irrigation off 0.20 acre
14	S	13	E	W.M.	10	SE	NW	504	-	Irrigation off 2.60 acres
14	S	13	E	W.M.	10	NE	SW	500	-	Irrigation off 0.50 acre
14	S	13	E	W.M.	10	NE	SW	505	-	Irrigation off 0.20 acre
14	S	13	E	W.M.	10	NE	SW	600	-	Irrigation off 0.30 acre
14	S	13	E	W.M.	10	NE	SW	2500	-	Irrigation off 0.04 acre
14	S	13	E	W.M.	10	NE	SE	200	-	Irrigation off 1.75 acres
14	S	13	E	W.M.	10	NE	SE	400	-	Irrigation off 0.50 acre
14	S	13	E	W.M.	10	NE	SE	500	-	Irrigation off 1.55 acres
14	S	13	E	W.M.	10	NE	SE	502	-	Irrigation off 0.67 acre

Township		Range		Meridian	Sec	¼	¼	Tax Lot	DLC	Acres
14	S	13	E	W.M.	10	NW	SE	500	-	Irrigation off 3.70 acres
14	S	13	E	W.M.	10	NW	SE	502	-	Irrigation off 1.00 acre
14	S	13	E	W.M.	10	SW	SE	502	-	Irrigation off 1.20 acres

3. Application T-9763 proposes to change the place of use of the rights to:

Section 3

Township		Range		Meridian	Sec	¼	¼	Tax Lot	DLC	Acres
14	S	13	E	W.M.	9	NE	SW	200	-	Pond on 2.20 acres
14	S	13	E	W.M.	9	SW	SW	200	-	Pond on 1.80 acres
14	S	13	E	W.M.	3	SE	SW	200	-	Pond on 1.00 acre
14	S	13	E	W.M.	3	NW	SE	300	-	Pond on 0.60 acre
14	S	13	E	W.M.	3	NW	SE	400	-	Pond on 0.80 acre
14	S	13	E	W.M.	3	NW	SE	700	-	Pond on 0.40 acre
14	S	13	E	W.M.	3	SW	SE	700	-	Pond on 6.20 acres
14	S	13	E	W.M.	3	SW	SE	800	-	Pond on 0.60 acre
14	S	13	E	W.M.	3	SE	SE	700	-	Pond on 0.40 acre

Section 9

Township		Range		Meridian	Sec	¼	¼	Tax Lot	DLC	Acres
14	S	13	E	W.M.	9	NE	NE	101	-	Pond on 2.60 acres

Section 10

Township		Range		Meridian	Sec	¼	¼	Tax Lot	DLC	Acres
14	S	13	E	W.M.	10	NW	NE	500	-	Pond on 13.20 acres
14	S	13	E	W.M.	10	NW	NE	701	-	Pond on 0.10 acre
14	S	13	E	W.M.	10	SW	NE	500	-	Pond on 2.80 acres
14	S	13	E	W.M.	10	NE	SW	500	-	Pond on 1.00 acre
14	S	13	E	W.M.	10	NE	SW	505	-	Pond on 0.40 acre
14	S	13	E	W.M.	10	NE	SW	600	-	Pond on 0.60 acre
14	S	13	E	W.M.	10	NE	SW	2500	-	Pond on 0.08 acre
14	S	13	E	W.M.	10	NE	SE	200	-	Pond on 0.10 acre
14	S	13	E	W.M.	10	NE	SE	400	-	Pond on 0.40 acre
14	S	13	E	W.M.	10	NE	SE	500	-	Pond on 0.10 acre
14	S	13	E	W.M.	10	NW	SE	500	-	Pond on 5.80 acres
14	S	13	E	W.M.	10	NW	SE	502	-	Pond on 1.60 acres

5. Application T-9763 proposes to change the character of use of 42.18 acres of water rights from irrigation to pond maintenance.
6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
9. The proposed change would not result in enlargement of the rights.
10. The proposed change would not result in injury to other water rights.
11. The Canyons Land & Cattle Co. is the receiving landowner responsible for completion and perfection of the changes after the final order is issued.
12. December 27, 2004 the Bureau of Reclamation filed a protest of the application, on the grounds that the use of stored water from Crane Prairie Reservoir under contract No. Ilr-1143 is limited to irrigation. However, the applicant and the Bureau were able to resolve the issue, and March 31, 2005 the Bureau withdrew the protest.

Conclusions of Law

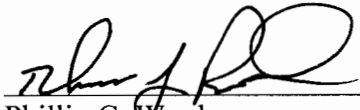
The proposed changes in place of use and character of use in application T-7963 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use and character of use proposed in application T-9763 are approved.
2. Certificates 76358 and 76714 will be modified. The Department shall issue new water right certificates to supersede certificates 76358 and 76714 on a determination that it is necessary to produce certificates to confirm that portion of the rights not involved in this transfer.
3. The right to 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 76358 and 76714 and any related decree.
4. The proposed changes shall be completed on or before October 1, 2006.
5. The Canyons Land & Cattle Co. is responsible for completion and perfection of the changes.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by Canyons Land and Cattle Co. to the Department by October 1, 2007.

7. The former place of use of the transferred water shall no longer be irrigated under the transferred portion of these water rights.
8. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 11th day of April, 2005.



Phillip C. Ward
Director

Mailing date: APR 14 2005