

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-11949, Deschutes and Crook Counties            )     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 December 22, 2014, Central Oregon Irrigation District (COID) filed a district transfer application to permanently change the place of use under Certificates 83571 and 76714. The Department assigned the application number T-11949.
2. Notice of the application for transfer was published on January 6, 2015, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the primary irrigation right to be transferred is as follows:

**Certificate:** 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT

**Use:** IRRIGATION of 15.09 acres

**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.

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.

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 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 Places of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD #
13S	13E	WM	33	SW NE	0.25	200	Knight, Philip & Penelope	T-2014-020	11
13S	13E	WM	33	SE NE	0.10	200	Knight, Philip & Penelope	T-2014-020	11
13S	13E	WM	34	SE SW	0.90	103	Knight, Philip & Penelope	T-2014-020	11
14S	13E	WM	6	NW SE	0.20	100	COID	T-2014-020	11
14S	13E	WM	16	NE SE	0.70	700	COID	T-2014-020	11
14S	13E	WM	16	SW SW	0.37	1503	COID	T-2014-020	11
14S	13E	WM	21	SE NW	0.32	700	COID	T-2014-020	11
14S	13E	WM	31	NE NE	0.04	102	COID	T-2014-020	11
14S	13E	WM	33	NE SE	0.50	2001	COID	T-2014-020	11
14S	13E	WM	34	NE NW	1.15	202	Dawson, Kristopher & Tristan	T-2014-018	11
15S	12E	WM	12	NE NW	1.00	301	Smith, Dean	T-2014-016	11
15S	12E	WM	12	SE NW	0.32	600	Springer, Todd & Andrea	T-2014-023	11
15S	14E	WM	25	NE NW	1.08	201	Pihl, Ivar & Jane	T-2014-009	1
15S	14E	WM	35	NW SW	0.40	400	Powell Butte Farmers Club Inc	T-2014-008	1
16S	12E	WM	14	SW NE	0.35	601	COID	T-2014-020	11
16S	12E	WM	35	NW SW	0.50	700	Plunckett, Mike & Eileen	T-2014-021	11
16S	12E	WM	35	SW SW	1.04	700	Plunckett, Mike & Eileen	T-2014-021	11
16S	14E	WM	04	NE SE	0.98	801	Pihl, Ivan & Jane	T-2014-009	1
16S	14E	WM	17	NW SE	3.27	301	McLean, Scott & Helen	T-2014-014	1
16S	14E	WM	17	SW SE	0.12	301	McLean, Scott & Helen	T-2014-014	1
16S	14E	WM	20	SE NW	0.70	404	Millin, Gary & Dana	T-2014-022	1
17S	12E	WM	02	NE SW	0.20	706	Pioneer Five, LLC	T-2014-013	11
17S	14E	WM	28	NE SE	0.60	2701	Hull, Steven C.	T-2014-017	1
<b>TOTAL:</b>					<b>15.09</b>				

4. Transfer Application T-11949 proposes to change the places of use to:

**Proposed Places of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD#
13S	13E	WM	33	SW NE	0.42	200	Knight, Philip & Penelope	T-2014-020	11
13S	13E	WM	33	SE NE	1.41	200	Knight, Philip & Penelope	T-2014-020	11
13S	13E	WM	33	NW SE	0.90	400	Knight, Philip & Penelope	T-2014-020	11
14S	13E	WM	04	SE NE	1.00	200	Knight, Philip & Penelope	T-2014-020	11
14S	13E	WM	34	NE NW	1.15	202	Dawson, Kristopher & Tristan	T-2014-020	11

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD#
15S	12E	WM	12	NE NW	1.00	301	Smith, Dean	T-2014-018	11
15S	12E	WM	12	SE NW	0.32	600	Springer, Todd & Andrea	T-2014-016	11
15S	14E	WM	25	NE NW	2.06	201	Pihl, Ivar & Jane	T-2014-023	1
15S	14E	WM	35	NW SW	0.40	400	Powell Butte Farmers Club, Inc.	T-2014-009	1
16S	12E	WM	35	SW SW	1.54	700	Plunkett, Mike & Eileen	T-2014-008	1
16S	14E	WM	17	NW SE	0.32	301	McLean, Scott & Helen	T-2014-021	11
16S	14E	WM	17	SW SE	3.07	301	Mc Lean, Scott & Helen	T-2014-014	1
16S	14E	WM	20	NE NW	0.70	401	Millin, Gary & Dana	T-2014-022	1
17S	12E	WM	02	NE SE	0.20	706	Pioneer Five, LLC	T-2014-013	11
17S	14E	WM	28	SE SW	0.60	2701	Hull, Steven C	T-2014-017	1
<b>TOTAL:</b>					<b>15.09</b>				

5. The season of use described in Certificate 83571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the irrigation season should be:  
**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 15 through September 30 described herein as Season 2.  
 May 15 through September 14 described herein as Season 3.

6. The portion of the supplemental irrigation right to be transferred is as follows:  
**Certificate:** 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT  
**Use:** SUPPLEMENTAL IRRIGATION of 15.09 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 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
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**Authorized Places of Use:**

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD #
13S	13E	WM	33	SW NE	0.25	200	Knight, Philip &	T-2014-020	11
13S	13E	WM	33	SE NE	0.10	200	Knight, Philip &	T-2014-020	11
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SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD #
14S	13E	WM	6	NW SE	0.20	100	COID	T-2014-020	11
14S	13E	WM	16	NE SE	0.70	700	COID	T-2014-020	11
14S	13E	WM	16	SW SW	0.37	1503	COID	T-2014-020	11
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14S	13E	WM	31	NE NE	0.04	102	COID	T-2014-020	11
14S	13E	WM	33	NE SE	0.50	2001	COID	T-2014-020	11
14S	13E	WM	34	NE NW	1.15	202	Dawson, Kristopher &	T-2014-018	11
15S	12E	WM	12	NE NW	1.00	301	Smith, Dean	T-2014-016	11
15S	12E	WM	12	SE NW	0.32	600	Springer, Todd &	T-2014-023	11
15S	14E	WM	25	NE NW	1.08	201	Pihl, Ivar & Jane	T-2014-009	1
15S	14E	WM	35	NW SW	0.40	400	Powell Butte Farmers	T-2014-008	1
16S	12E	WM	14	SW NE	0.35	601	COID	T-2014-020	11
16S	12E	WM	35	NW SW	0.50	700	Plunkett, Mike &	T-2014-021	11
16S	12E	WM	35	SW SW	1.04	700	Plunkett, Mike &	T-2014-021	11
16S	14E	WM	04	NE SE	0.98	801	Pihl, Ivan & Jane	T-2014-009	1
16S	14E	WM	17	NW SE	3.27	301	McLean, Scott & Helen	T-2014-014	1
16S	14E	WM	17	SW SE	0.12	301	McLean, Scott & Helen	T-2014-014	1
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<b>TOTAL</b>					<b>15.09</b>				

7. Transfer Application T-11949 proposes to change the places of use to:

**Proposed Places of Use:**

SUPPLEMENTAL IRRIGATION									
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13S	13E	WM	33	SE NE	1.41	200	Knight, Philip &	T-2014-020	11
13S	13E	WM	33	NW SE	0.90	400	Knight, Philip &	T-2014-020	11
14S	13E	WM	04	SE NE	1.00	200	Knight, Philip &	T-2014-020	11
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17S	14E	WM	28	SE SW	0.60	2701	Hull, Steven C	T-2014-017	1
<b>TOTAL:</b>					<b>15.09</b>				

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 places of use will not result in enlargement of the rights.
11. The proposed change in places of use will not result in injury to other water rights.

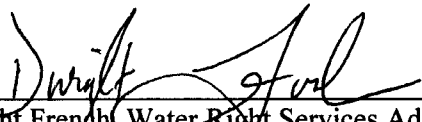
### **Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-11949 satisfy the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed changes in place of use to the water rights evidenced by Certificates 83571 and 76714 are 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 places of use shall no longer be irrigated as part of these water rights.
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, 2016**. 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 83571 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 10 day of February, 2015.

  
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Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

*Mailing Date:* FEB 13 2015