

**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY**

IN THE MATTER OF CANCELLATION OF A)
PORTION OF WATER RIGHTS EVIDENCED)
BY CERTIFICATES 83571 AND 76714, ISSUED) FINAL ORDER
IN THE NAME OF CENTRAL OREGON)
IRRIGATION DISTRICT

Authority

Oregon Revised Statute 540.621 and Oregon Administrative Rules 690-17-0100 direct the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

Findings of Fact

1. On July 29, 2019, the Department received an Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate (Affidavit) signed by Vance J. Fortenberry, 3791 N Hwy 97, Redmond, OR 97701, stating he is the owner of the land with an appurtenant water right in the name of Central Oregon Irrigation District as evidenced by Certificate 83571.
2. The voluntary cancellation was noticed on the Department’s Weekly Public Notice on August 6, 2019.
3. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Vance J. Fortenberry, LLC is the recorded owner, as established by county deed records, of the portion of the land referenced in the Affidavit, to which the water right is appurtenant.
4. The affidavit states a portion of the water rights appurtenant to the property, specified below, has been abandoned and requests a portion of the certificates be cancelled.
5. The affidavit contains the signature of COID’s manager, Craig Horrell. The signature of the district manager demonstrates concurrence with the partial cancellation of the water rights.
6. The water right evidenced by Certificate 83571 allows for the use of water from the Deschutes River, tributary of the Columbia River, under priority dates of October 31, 1900, and December 2, 1907, for irrigation and other uses.

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.

7. The water right evidenced by Certificate 76714 allows for the use of up to 50,000 acre-feet (af) of water stored in Crane Prairie Reservoir (constructed under Permit R-1687), a tributary of the Deschutes River, for supplemental irrigation. The diversion rate is not specified on the certificate and use is limited to the total volume of stored water to make up a deficiency in supply of the live flow water right appurtenant to specified lands. The date of priority is February 28, 1913.
8. 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, 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 points of diversion (POD), the portion of the right involved in this voluntary cancellation would be limited as described in the table below. These rates are also the quantities by which Certificate 83571, **at POD #11**, shall be reduced upon issuance of this order.

Priority Date(s)	Season 1	Season 2	Season 3	Duty (acre-foot/af)
	4/1 – 4/30 & 10/1 – 10/31	5/1 – 5/14 & 9/16 – 9/30	5/15 – 9/15	
October 31, 1900	0.011	0.016	0.021	9.44
December 2, 1907	--	--	0.009	

9. The portion of Certificate 83571 which has been abandoned is for the use of the amounts of water identified in Finding of Fact #7 for irrigation of 1.0 acres located as follows:

CERTIFICATES 83571 (IRRIGATION) & 76714 (SUPPLEMENTAL IRRIGATION)						
TWP	RNG	MER	SEC	Q-Q	TAX LOT	ACRE
14S	13E	WM	33	NE SE	1902	1.0

10. The portion of water right evidenced by Certificate 76714 which has been abandoned is for the use of stored water for supplemental irrigation on the lands described above. The abandoned portion of the water right no longer authorizes water to be applied at the place of use described in above, but does not reduce the total quantity of stored water available for supplemental irrigation.

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the rights evidenced by Water Right Certificates 83571 and 76714 have been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. The water rights appurtenant to the lands described above are cancelled.
2. Certificate 83571 is reduced by the quantity of water identified above.
3. Certificate 76714 shall be modified to reflect the cancellation of 1.0 acres, as described above. However, the total quantity of stored water use under the right shall remain unchanged.
4. The Department shall issue new water right certificates to supersede Certificates 83571 and 76714 on a determination that it is necessary for recordkeeping.

NOV 26 2019

Signed at Salem, Oregon on _____.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: NOV 27 2019 _____