

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10891, Deschutes County) 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

THREE SISTERS IRRIGATION DISTRICT
PO BOX 2230
SISTERS, OR 97759

Findings of Fact

1. On June 4, 2009, Three Sisters Irrigation District (TSID) filed a district transfer application to permanently change the place of use under Certificate 74135 and Permits G11378 and S29312. The Department assigned the application number T-10891.
2. Notice of the application for transfer was published on June 16, 2009, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. Three Sisters Irrigation District was formerly named Squaw Creek Irrigation District.
4. The portion of the primary right to be transferred is as follows:

Certificate: 74135 in the name of SQUAW CREEK IRRIGATION DISTRICT

Use: IRRIGATION of 45.40 acres

Priority Dates: 1895

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

Source: Wychus Creek (formerly named Squaw Creek), a tributary of the Deschutes River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15S	10E	WM	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21

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.

Authorized Place of Use:

Irrigation							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User
15S	11E	WM	20	SW NE	5.40	2800	VETTERLEIN
15S	11E	WM	20	SE NE	4.50	2800	VETTERLEIN
15S	11E	WM	20	NE SW	16.00	2800	VETTERLEIN
15S	11E	WM	20	NW SW	2.00	2800	VETTERLEIN
15S	11E	WM	20	NE SE	2.00	2800	VETTERLEIN
15S	11E	WM	20	NW SE	15.50	2800	VETTERLEIN
Total:					45.40		

5. Transfer Application T-10891 proposes to change the places of use to:

Proposed Places of Use:

Irrigation							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User
15S	11E	WM	19	SW SW	21.40	4001	VETTERLEIN
15S	11E	WM	19	SE SW	24.00	4001	VETTERLEIN
Total:					45.40		

6. 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.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in places of use will not result in enlargement of the rights.
9. The proposed change in places of use will not result in injury to other water rights.

Conclusions of Law

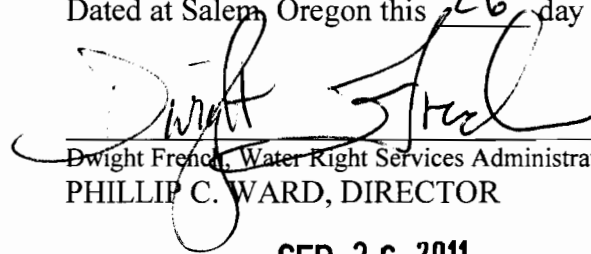
The changes in place of use as proposed in Transfer Application T-10891 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificate 74135 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 Certificate and any related decree.
3. The former places of use shall no longer be irrigated as part of this water right or water use permits.
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. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2012.

6. A Claim of Beneficial Use (CBU) shall be submitted by the applicant to the Department by October 1, 2013.
7. Water right Certificate 74135 is modified. The Department will issue a superseding certificate describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 26 day of September, 2011.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: SEP 26 2011