

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

In the Matter of Transfer Application)
T-12816, Jefferson County)
) FINAL ORDER APPROVING
) A DISTRICT PERMANENT TRANSFER
) FOR PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 through 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

NORTH UNIT IRRIGATION DISTRICT
2024 NW BEECH STREET
MADRAS, OR 97741

Findings of Fact

1. On January 2, 2018, North Unit Irrigation District (NUID) filed a district transfer application to permanently change the places of use under Certificates 72279, 72281 and 90177. The Department assigned the application number T-12816.
2. Notice of the District Permanent Transfer Application was published on January 16, 2018, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 72279 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected under Permit S-23196)
Use: IRRIGATION of 50.6 acres
Priority Date: FEBRUARY 28, 2013
Rate / 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 a diversion of ONE-FORTHIETH of one cubic foot per second (or its equivalent) and 5.25 acre-feet per acre during the irrigation season of each year, and is further subject to the terms and conditions of the State Engineer's Orders dated January 20, 1955 and February 4, 1955.

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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

Sources: The DESCHUTES RIVER, WICKIUP RESERVOIR (constructed under Permit R-1677, and HAYSTACK RESERVOIR (constructed under Permit R-1754), tributaries to the COLUMBIA RIVER.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SENE	DESCHUTES RIVER: 1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
22 S	9 E	WM	7	SW NE	WICKIUP RESEVOIR – NONE GIVEN
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR – NONE GIVEN

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
10 S	13 E	WM	23	SW NE	1.4	400	GRABHORN	17-15
10 S	14 E	WM	28	SW NW	0.4	400	CROCKER	17-05
10 S	14 E	WM	28	SE NW	0.4	400	CROCKER	17-05
11 S	13 E	WM	23	SW SW	0.5	500	MENDEZ	17-14
11 S	13 E	WM	28	NE SW	4.8	400	BAGGETT	17-06
11 S	13 E	WM	28	SE SW	29.2	400	BAGGETT	17-06
11 S	13 E	WM	28	NW SE	1.9	400	BAGGETT	17-06
11 S	13 E	WM	28	SW SE	5.5	400	BAGGETT	17-06
12 S	13 E	WM	3	SW NW	0.2	401	KOOLHAAS	17-07
12 S	13 E	WM	3	SW NW	1.9	401	KOOLHAAS	17-10
12 S	13 E	WM	14	SE NW	0.2	200	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	14	SE NW	1.7	200	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	15	SW SW	0.4	1100	BACKSEN ENTERPRISES	17-04-B
12 S	13 E	WM	15	SW SW	0.1	1100	BACKSEN ENTERPRISES	17-04-C
12 S	13 E	WM	15	NE SE	2.0	800	GILBERTSON	17-02
Total					50.6			

4. Transfer Application T-12816 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glots	Acres	Tax Lot	Water User	Notice
10 S	13 E	WM	26	NW NE		0.5	400	GALYEN	17-15
10 S	13 E	WM	26	SW NE		0.9	400	GALYEN	17-15
10 S	14 E	WM	28	SW NE		0.8	400	CROCKER	17-05
10 S	14 E	WM	31	SW NW	2	0.5	400	OLIVAS	17-14
10 S	14 E	WM	33	SW NE		27.2	200	BAGGETT	17-06
10 S	14 E	WM	33	SE NW		14.2	200	BAGGETT	17-06
11 S	13 E	WM	25	NW SW		1.9	305	KOOLHAAS TRUST	17-10
12 S	13 E	WM	3	SW NW		0.2	401	KOOLHAAS	17-07
12 S	13 E	WM	11	NE SW		1.4	500	BACKSEN FAMILY	17-04-A
12 S	13 E	WM	11	SW SE		0.3	500	BACKSEN FAMILY	17-04-A
12 S	13 E	WM	14	NW NE		0.4	200	BACKSEN FAMILY	17-04-B

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glot	Acres	Tax Lot	Water User	Notice
12 S	13 E	WM	14	SE NW		0.2	200	BACKSEN FAMILY	17-04-A
12 S	13 E	WM	15	SW SW		0.1	1100	BACKSEN	17-04-C
12 S	13 E	WM	29	NW SE		2.0	1200	HOSTETLER	17-02
Total:						50.6			

5. The portion of the second right to be transferred is as follows:

Certificate: 72281 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected under Permit S-25921)

Use: SUPPLEMENTAL IRRIGATION of 50.6 acres

Priority Date: JUNE 23, 1955

Rate / 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 a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, tributary to the Deschutes River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
10 S	13 E	WM	23	SW NE	1.4	400	GRABHORN	17-15	
10 S	14 E	WM	28	SW NW	0.4	400	CROCKER	17-05	
10 S	14 E	WM	28	SE NW	0.4	400	CROCKER	17-05	
11 S	13 E	WM	23	SW SW	0.5	500	MENDEZ	17-14	
11 S	13 E	WM	28	NE SW	4.8	400	BAGGETT	17-06	
11 S	13 E	WM	28	SE SW	29.2	400	BAGGETT	17-06	
11 S	13 E	WM	28	NW SE	1.9	400	BAGGETT	17-06	
11 S	13 E	WM	28	SW SE	5.5	400	BAGGETT	17-06	
12 S	13 E	WM	3	SW NW	0.2	401	KOOLHAAS	17-07	
12 S	13 E	WM	3	SW NW	1.9	401	KOOLHAAS	17-10	
12 S	13 E	WM	14	SE NW	0.2	200	BACKSEN FAMILY TRUST	17-04-A	
12 S	13 E	WM	14	SE NW	1.7	200	BACKSEN FAMILY TRUST	17-04-A	
12 S	13 E	WM	15	SW SW	0.4	1100	BACKSEN ENTERPRISES	17-04-B	
12 S	13 E	WM	15	SW SW	0.1	1100	BACKSEN ENTERPRISES	17-04-C	
12 S	13 E	WM	15	NE SE	2.0	800	GILBERTSON	17-02	
Total						50.6			

6. Transfer Application T-12816 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glot	Acres	Tax Lot	Water User	Notice
10 S	13 E	WM	26	NW NE		0.5	400	GALYEN	17-15
10 S	13 E	WM	26	SW NE		0.9	400	GALYEN	17-15
10 S	14 E	WM	28	SW NE		0.8	400	CROCKER	17-05

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glod	Acres	Tax Lot	Water User	Notice
10 S	14 E	WM	31	SW NW	2	0.5	400	OLIVAS	17-14
10 S	14 E	WM	33	SW NE		27.2	200	BAGGETT	17-06
10 S	14 E	WM	33	SE NW		14.2	200	BAGGETT	17-06
11 S	13 E	WM	25	NW SW		1.9	305	KOOLHAAS TRUST	17-10
12 S	13 E	WM	3	SW NW		0.2	401	KOOLHAAS	17-07
12 S	13 E	WM	11	NE SW		1.4	500	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	11	SW SE		0.3	500	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	14	NW NE		0.4	200	BACKSEN FAMILY TRUST	17-04-B
12 S	13 E	WM	14	SE NW		0.2	200	BACKSEN FAMILY TRUST	17-04-A
12 S	13 E	WM	15	SW SW		0.1	1100	BACKSEN ENTERPRISES	17-04-C
12 S	13 E	WM	29	NW SE		2.0	1200	HOSTETLER	17-02
Total:						50.6			

The portion of the third right to be transferred is as follows:

Certificate: 90177 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected under Permit S-33954)

Use: IRRIGATION of 4.7 acres

Priority Date: SEPTEMBER 18, 1968

Rate / Duty: The amount used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.97 acre-feet for each acre irrigated during the irrigation season of each year and is further subject to the terms and conditions of a stipulations as noted in the certificate of record.

Source: CROOKED RIVER, tributary to the Deschutes River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
11 S	13 E	WM	25	NW NW	4.1	300	ERLANDSEN	17-09	
11 S	13 E	WM	25	SW NW	0.2	301	KOOLHAAS	17-08	
11 S	13 E	WM	25	NW SW	0.4	300	KOOLHAAS	17-08	
Total:						4.7			

7. Transfer Application T-12816 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	Notice	
11 S	13 E	WM	25	SW NW	2.3	305	KOOLHAAS TRUST	17-09	
11 S	13 E	WM	25	NW SW	0.6	305	KOOLHAAS TRUST	17-08	
11 S	13 E	WM	25	NW SW	1.8	305	KOOLHAAS TRUST	17-09	
Total:						4.7			

8. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
9. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
10. The water right is subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
12. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
13. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Conclusions of Law

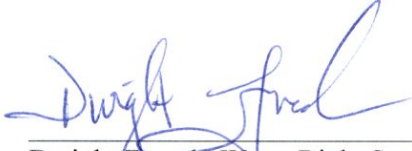
The proposed changes in place of use as proposed in Transfer Application T-12816 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 72279, 72281, and 90177 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 72279, 72281, and 90177.
3. The place of use from which the water right is removed by T-12816 shall no longer be irrigated under the transferred right.
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, 2019**. A Claim of Beneficial Use shall be submitted by NUID 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 72279, 72281, and 90177 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on MAY 02 2018



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

Mailing Date: MAY 03 2018