

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10907, 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 20, 2009, Three Sisters Irrigation District (TSID) filed a district transfer application to permanently change the place of use under Certificates 74135, 982 and 2056 and Water Use Permits G-11378 and S-29312. The Department assigned the application number T-10907.
2. Certificates 982 and 2056 have been superseded by Certificates 85387 and 85388, respectively.
3. Notice of the application for transfer was published on June 30, 2009, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. Three Sisters Irrigation District was formerly named Squaw Creek Irrigation District.
5. 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 59.00 acres

Priority Dates: 1903

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

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 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

Authorized Place of Use:

Irrigation							
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
1903	15S	10E	WM	11	SW NW	3.30	1300
1903	15S	10E	WM	11	SE NW	22.20	1300
1903	15S	10E	WM	11	NE SW	16.60	1300
1903	15S	10E	WM	11	NW SW	13.00	1300
1903	15S	10E	WM	11	SE SW	3.90	1300
Total:						59.00	

6. Transfer Application T-10907 proposes to change the places of use to:

Proposed Places of Use:

Irrigation								
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User
1903	15S	10E	WM	11	SW NE	9.10	1200	MORROW
1903	15S	10E	WM	11	SE NW	5.10	1201	MORROW
1903	15S	10E	WM	11	SE SW	7.50	1202	MORROW
1903	15S	10E	WM	11	NE SE	8.40	1202	MORROW
1903	15S	10E	WM	11	NW SE	22.20	1200	MORROW
1903	15S	10E	WM	11	SW SE	6.70	1202	MORROW
Total:						59.00		

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

Certificate: 85387 in the names of SHARON AMESTOY/AMESTOY RANCH; WILLITTS, LLC AND R & B RANCH, LLC

Use: IRRIGATION of 23.7 acres

Priority Date: 1908

Rate: 0.474 cubic foot per second (cfs)

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially.

Source: Wychus 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	UNCLE JOHN DITCH – 140 FEET NORTH AND 1190 FEET EAST FROM THE SW CORNER OF SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15S	10E	WM	11	SW SW	17.70
15S	10E	WM	11	SE SW	6.00
Total:					23.70

8. Transfer Application T-10907 proposes to change the places of use to:

Proposed Places of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15S	10E	WM	11	SW NE	20.50
15S	10E	WM	11	SE NW	3.20
Total:					23.70

9. The portion of the next primary right to be transferred is as follows:

Certificate: 85388 in the names of SHARON AMESTOY/AMESTOY RANCH; LLC AND R & B RANCH, LLC

Use: IRRIGATION of 14.90 acres

Priority Date: October 7, 1912

Rate: 0.19 cubic foot per second (cfs)

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially.

Source: Wychus 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	UNCLE JOHN DITCH – 140 FEET NORTH AND 1190 FEET EAST FROM THE SW CORNER OF SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15S	10E	WM	10	NE SE	2.10
15S	10E	WM	10	SE SE	9.00
15S	10E	WM	11	SW SW	3.80
Total:					14.90

10. Transfer Application T-10907 proposes to change the places of use to:

Proposed Places of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15S	10E	WM	11	NW NE	4.30
15S	10E	WM	11	SW NE	10.40
15S	10E	WM	11	NE NW	0.20
Total:					14.90

11. The appurtenant supplemental permits (G-11378 and S-29312) will be transferred concurrently with the layered primary water rights as described above.

12. 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.

13. The water rights and water use permits are subject to transfer as defined in OAR 690-385-0100(17).

14. The proposed changes in place of use will not result in enlargement of the rights or water use permits.
15. The proposed changes in place of use will not result in injury to other water rights.

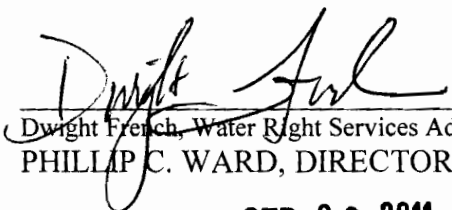
Conclusions of Law

The changes in place of use as proposed in Transfer Application T-10907 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 74135, 85388 and 85387 and Water Use Permits G-11378 and S-29312 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 74135, 85388 and 85387, Water Use Permits G-11378 and S-29312 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights 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 and Water Use Permits G-11378 and S-29312 are modified. The Department will issue a superseding documents describing the rights when it determines it is necessary for record keeping.
8. Water right Certificates 85388 and 85387 are cancelled. The Department will issue superseding certificates describing that portion of the water right NOT modified by this transfer.
9. When satisfactory proof of the completed changes is received for Certificates 85388 and 85387, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28 day of September, 2011.


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

Mailing Date: SEP 29 2011