

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10900, 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 10, 2009, Three Sisters Irrigation District (TSID) filed a district transfer application to permanently change the place of use under Certificate 74135 and Water Use Permits G-11378 and S-29312. The Department assigned the application number T-10900.
2. On July 1, 2009, the application was amended to also include modifications to Certificate 74142.
3. On September 21, 2005, Certificate 74142 was superseded by Certificate 81475. Certificate 81475 was superseded by Certificate 86162 on March 31, 2010.
4. 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.
5. Three Sisters Irrigation District was formerly named Squaw Creek Irrigation District.
6. 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 39.70 acres

Priority Dates: 1895 and 1904

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	User
1895	14S	11E	WM	33	SW SW	1.00	1400	VENDETTI
1895	14S	12E	WM	7	SW SE	4.00	1401	THALACKER
1895	14S	12E	WM	7	SE SE	3.50	1401	THALACKER
1895	14S	12E	WM	7	NW SE	12.50	1401	THALACKER
1895	15S	10E	WM	24	SW NW	1.77	200	PATTERSON
1895	15S	10E	WM	24	SW NW	4.85	200	PATTERSON
1895	15S	10E	WM	24	NW SW	0.15	200	PATTERSON
1895	15S	10E	WM	26	NW NE	0.30	602	MANSKER
1904	15S	10E	WM	26	NW NE	0.90	602	MANSKER
1895	15S	10E	WM	26	NE NW	0.80	602	MANSKER
1895	15S	11E	WM	4	SW SW	0.50	401	ENGER
1895	15S	11E	WM	4	SW SW	6.00	401	ENGER
1895	15S	11E	WM	5	NE NE	0.80	103	HUFFMAN
1895	15S	11E	WM	18	SE SW	2.63	2000	TRONE
Total:						39.70		

7. Transfer Application T-10900 proposes to change the place of use to:

Proposed Places of Use:

Irrigation								
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User
1895	14S	11E	WM	33	SE SE	1.00	2800	MOEN
1895	15S	10E	WM	10	SW NE	9.00	706	HAWKS HAVEN RESERVE
1895	15S	10E	WM	10	SW NW	5.70	706	HAWKS HAVEN RESERVE
1895	15S	10E	WM	10	SE NW	3.10	706	HAWKS HAVEN RESERVE
1895	15S	10E	WM	10	NE SW	1.90	706	HAWKS HAVEN RESERVE
1895	15S	10E	WM	10	NW SW	0.30	706	HAWKS HAVEN RESERVE
1895	15S	10E	WM	12	SE NE	1.21	100	CYRUS
1895	15S	10E	WM	12	NE NW	0.50	304	MANSKER
1895	15S	10E	WM	13	NW SE	1.42	500	CYRUS
1895	15S	10E	WM	24	SW NW	1.77	200	PATTERSON
1895	15S	10E	WM	24	SW SW	0.61	900	SISTERS RODEO
1895	15S	10E	WM	24	SE SW	4.39	600	SISTERS RODEO
1904	15S	10E	WM	26	NW NE	0.40	602	MANSKER
1895	15S	10E	WM	26	NE NW	6.00	602	MANSKER
1895	15S	10E	WM	26	NE NW	1.10	602	MANSKER
1904	15S	10E	WM	26	NE NW	0.50	602	MANSKER
1895	15S	11E	WM	5	NE NE	0.80	103	HUFFMAN
Total:						39.70		

8. The portion of the layered supplemental right to be transferred is as follows:

Certificate: 86162 in the name of LARRY K. AND BARBARA J. SHARPF

Use: SUPPLEMENTAL IRRIGATION of 1.10 acres

Priority Date: December 26, 1976

Rate: 0.014 cubic foot per second (cfs)

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 a diversion of ONE-EIGHTIETH (1/80) of one cfs or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right is also limited to any deficiency in the available supply of any prior right existing for the same land.

Source: a well in the Wychus Creek Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15S	10E	WM	26	NE SE	2750 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 26

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15S	10E	WM	26	NW NE	0.80
15S	10E	WM	26	NE NW	0.30

9. Transfer Application T-10900 proposes to change the place of use to:

Proposed Places of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15S	10E	WM	26	NE NW	1.10

10. The appurtenant supplemental water use permits (G-11378 and S-29312) will be moved concurrently with the layered primary water right (Certificate 74135) as described above.

11. 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.

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

13. The proposed change in places of use will not result in enlargement of the rights or water use permits.

14. 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-10900 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 and 86162 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 and 86162, Water Use Permits G-11378 and S-29312 and any related decree.
3. The former place 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 certificate describing the rights when it determines it is necessary for record keeping.
8. Water right Certificate 86162 is cancelled. The Department will issue Certificate 87239 describing that portion of the water right NOT modified by this transfer.

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