

3. COID received written objections from five water users within 30 days of the notice described in Finding of Fact #2, which ultimately resulted hearings being scheduled before COID's board of directors consistent with ORS 540.572(5). Following the hearings on November 13, 2018, the district notified the water users that the board of directors made the decision to proceed with a petition to the Department for approval of transfer of the respective lands under ORS 540.574. The application includes copies of the objections and the findings, and the determinations and conclusions resulting from the hearing.
4. On December 27, 2018, COID sent by certified mail, notices to the water users of the district whose right of record is to be transferred and to those who are to receive the transferred right. The notice informed them that COID filed a petition with the Department to remove water rights due to five consecutive years of non-use. Copies of the permanent transfer application (petition) and maps submitted to the Department were included in the notice. The notice also informed the water users of their opportunity to submit to the Department, a protest consistent with OAR 690-385-5700 against approval of the permanent transfer. The contents of the notice meet the requirements of ORS 540.576 and OAR 690-385-5400. No protests were received within the 60 day protest period that began December 27, 2018.
5. On December 28, 2018, the Department received COID's district transfer application to permanently change the place of use under Certificates 83571 and 76714 pursuant to ORS 540.572. The Department assigned the application number T-13089.
6. Notice of the District Permanent Transfer Application for Non-Use was published on January 8, 2019, pursuant to ORS 540.580 and OAR 690-385-5500 with a 30-day comment period. No comments were filed in response to the notice.
7. The portion of the first right to be transferred is as follows:

Certificate: 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

Use: IRRIGATION of 26.78 acres

Priority Dates: OCTOBER 31, 1900 and DECEMBER 2, 1907

Seasons of Use: Season 1: April 1 through April 30 & October 1 through October 31
 Season 2: May 1 through May 14 & September 16 through September 30
 Season 3: May 15 through September 15

Maximum Quantity (Rate) that can be applied to an acre:

Season 1: Limited to 1/80 cubic foot per second (cfs) per acre
 Season 2: Limited to 1/60 cfs per acre
 Season 3: Limited to 1/32.4 cfs per acre

Maximum Duty that can be applied to an acre:

Not to exceed 9.91 acre-feet (af) per acre per year.

The above listed rates and duty reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

Source: The Deschutes River, tributary to the Columbia River

Authorized Points of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13
11	17 S	12 E	WM	29	SE NE	COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
14 S	13 E	WM	17	SW NW	0.10	1800	ALLEN D KALLEL REVOC LIVING	11
14 S	13 E	WM	20	NE SE	0.12	200	WILLIAMS	11
14 S	13 E	WM	24	NE NE	0.40	100	STREAM	11
14 S	13 E	WM	24	SE NE	6.35	100	STREAM	11
14 S	13 E	WM	26	SE NE	1.00	101	FAST CATTLE RANCHES LLC	11
14 S	13 E	WM	35	NE NE	0.19	100	REDMOND TALLOW CO INC	11
15 S	12 E	WM	13	SW NE	0.20	913	EVERY	11
15 S	13 E	WM	10	NW NE	0.22	200	SEGOVIANO	11
15 S	13 E	WM	30	NW SW	0.20	1101	DAC TRUST & PAC TRUST	11
15 S	13 E	WM	31	SW NW	0.24	205	HALL	11
16 S	12 E	WM	12	NE SW	9.72	401	RUENO / LUNA	11
16 S	12 E	WM	15	NE NW	0.57	700	HINGLEY	11
16 S	12 E	WM	23	NW SE	0.50	306	KIRZY	11
16 S	12 E	WM	26	SW NW	0.34	500	FAGEN	11
17 S	12 E	WM	36	SE SE	0.25	900	CHILOTE	1
17 S	13 E	WM	19	NE SW	0.53	1303	ZELIS	1
17 S	13 E	WM	32	SW NW	2.63	700	FED NAT MORTGAGE ASSOC / FANNIE MAE	1
17 S	13 E	WM	33	NW NE	1.45	201	RUBIO REAL ESTATE	1
17 S	14 E	WM	3	NE SE	0.58	200	McMICHAEL	1
17 S	14 E	WM	15	SE SE	0.16	100	BYRNES	1
17 S	14 E	WM	22	SE SE	0.23	1100	BIEKER	1
18 S	12 E	WM	3	SE NE	0.11	702	CONNELL	1
18 S	13 E	WM	6	NW NE	0.69	400	LAPAUGH	1
Total					26.78			

8. Transfer Application T-13089 proposes to change the Place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
13 S	13 E	WM	33	NW SE	3.70	400	KNIGHT	11
14 S	13 E	WM	20	SE SE	3.60	300	HOLLANDER	11
15 S	12 E	WM	12	SE SE	9.00	401	LARKIN	11
15 S	12 E	WM	13	NE SE	3.85	1200	CRANE	11
15 S	15 E	WM	18	SE NW	0.85	304	WHITE	1
16 S	14 E	WM	28	SE NW	1.60	101	FOSS	1
17 S	13 E	WM	22	SW SW	3.50	701	ADAMS	1
17 S	14 E	WM	24	SW SW	0.68	1500	W H MEYER, TRUSTEE WEYLIN H MEYER TRUST	1
Total					26.78			

9. The season of use described in Certificate 83571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the irrigation season should be described as:

Seasons of Use: Season 1: April 1 through April 30 & October 1 through October 31
 Season 2: May 1 through May 14 & September 15 through September 30
 Season 3: May 15 through September 14

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

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 26.78 acres

Priority Date: February 28, 1913

Limit/Duty: Limited to 50,000 acre-feet of stored water only

Source: Crane Prairie Reservoir, constructed under Permit R-1687, a tributary of the Deschutes River

The water right evidenced by Certificate 76714 allows the use of up to 50,000 acre-feet of water stored in Crane Prairie Reservoir, a tributary of the Deschutes River, for supplemental irrigation. The diversion rate is not specified and use is limited to the total volume of stored water to make up any deficiency in supply of the live flow water right appurtenant to specified lands.

Authorized Points of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13
11	17 S	12 E	WM	29	SE NE	COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
14 S	13 E	WM	17	SW NW	0.10	1800	ALLEN D KALLEL REVOC LIVING	11
14 S	13 E	WM	20	NE SE	0.12	200	WILLIAMS	11
14 S	13 E	WM	24	NE NE	0.40	100	STREAM	11
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17 S	14 E	WM	22	SE SE	0.23	1100	BIEKER	1
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18 S	13 E	WM	6	NW NE	0.69	400	LAPAUGH	1
Total					26.78			

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Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
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16 S	14 E	WM	28	SE NW	1.60	101	FOSS	1
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Total					26.78			

Transfer Review Criteria for Non-Use (ORS 540.572-540.580; OAR 690-358-5000 through 690-385-5800)

12. COID is managed by a full-time manager. *ORS 540.572(1)(a) and OAR 690-385-5000(1).*
13. COID is implementing an approved water conservation plan. *ORS 540.572(1)(b) and OAR 690-385-5000(2).*
14. Transfer T-13089 involves the use of water on lands located within the boundaries of COID. *ORS 540.572(1) and OAR 690-385-5000(3).*
15. COID determined the users had not made beneficial use of water for four successive years as shown in Finding of Fact #1. *OAR 690-385-5000(4).*
16. Based on the evidence contained in the letters and required notices, water was not put to beneficial use on the authorized lands shown in Finding of Facts #7 and #10, above, during the 2014, 2015, 2016, 2017, and 2018 irrigation seasons. *OAR 690-385-5000(4).*
17. The authorized places of use are “no longer irrigated” as defined in ORS 540.572(7). Based on the evidence contained in the letters and required notices, water was not put to beneficial use on the authorized lands shown in Finding of Facts #7 and #10, above, during the 2014, 2015, 2016, 2017, and 2018 irrigation seasons.

18. The district provided notice to the users of their intent to transfer and provided opportunity to resolve the matter in the manner described by ORS 540.272 and OAR 690-385-5400 and 690-385-5600. *OAR 690-385-5000(5).*[See Findings of Facts 1-4.]
19. COID filed Transfer Application T-13089 prior to the end of the fifth year of non-use as required by OAR 690-385-5600(5).
20. Transfer application T-13089 meets the application standards of ORS 540.574 and OAR 690-385-5200.
21. The maps meet the standards of ORS 540.574(1) and OAR 690-385-5300.
22. The water rights are subject to transfer as defined in OAR 690-385-0100(17). *OAR 690-385-5600(1).*
23. The proposed change in place of use will not result in enlargement of the rights as defined in OAR 690-385-0100(4). *OAR 690-385-5600(2).*
24. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6). *OAR 690-385-5600(3).*

Conclusions of Law


The proposed changes in place of use as proposed in Transfer Application T-13089 satisfy the requirements of ORS 540.572 to 540.580 and OAR 693-385-5000 & 690-385-5600.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 83571 and 76714 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 83571 and 76714 and any related decree.
3. The place of use from which the water right is removed by T-13089 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, 2020**. A Claim of Beneficial Use shall be submitted by COID 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 83571 and 76714 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Signed at Salem, Oregon this MAY 07 2019.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: MAY 08 2019