

**Before the Water Resources Director
Deschutes and Klamath Counties**

FINAL ORDER

Pursuant to ORS 541.329 (District Water Rights Mapping Provision), a petition requesting approval and acceptance of district maps showing the location and use of all water rights within and served by a district was submitted to the Oregon Water Resources Director on July 1, 1993, by the petitioner:

**LA PINE COOPERATIVE WATER ASSOCIATION
PO BOX 97
LA PINE, OREGON 97739**

The Rights of Record petitioned are evidenced by Certificates 13636, 13639, 13651, 13657, 29580, 30855, 44005, 49709, and a portion of a right allowed by Mandate of the Supreme Court of the State of Oregon (134 ORE 699), in the Matter of the Determination of the Relative Rights to the Use of the Water of Deschutes River and its Tributaries, as established in the name of Walker Basin Irrigation Company tabulated at page 185, Volume 16, Order Record of the Water Resources Director (no certificate issued). The said rights allow use of the waters of the Little Deschutes River (also known as Deschutes River, East Fork Deschutes River, and Crescent Creek), a tributary of the Deschutes River, for irrigation of 1,605.55 acres and fish pond maintenance of 1.5 acres equivalent.

The point of diversion is located in the SW1/4 SW1/4 Section 34, T. 23 S., R. 9 E., W.M.; 550 feet North and 1,150 feet East from SW corner Section 34.

Attachment A lists the said rights in order of Township, Range and Section. To summarize, the Rights of Record are broken down by certificate in the table below.

Certificate	Priority	Source	Use	Acres
13636	1897	East Fork Deschutes River	IR	65.10
13639 ^a	1897	East Fork Deschutes River	IR	199.70
30855	1897	East Fork Deschutes River	IR	457.10
			POND	1.50
44005	1897	East Fork Deschutes River	IR	8.70
49709	1897	East Fork Deschutes River	IR	27.20
13651	1900	East Fork Deschutes River	IR	70.00
13657	April 30, 1902	East Fork Deschutes River	IR	80.00
Mandate ^b	April 30, 1902	Crescent Creek	IR	561.75
29580	1907	Deschutes River	IR	136.00

TOTAL 1,607.05

^a Transfer 3188 (Special Order, Volume 31, page 573) moved a portion of the rights confirmed by Certificate 13639. On June 6, 1989, a Final Proof survey confirmed the use within the terms of the transfer order. No confirming right certificates have been issued. The transferred portion is included in the 199.70 acres listed under Certificate 13639 since the transfer did not remove rights from lands served by the Association.

- b This right in the name of Walker Basin Irrigation Company was originally for 9,646.50 acres. By order of the Water Resources Director Volume 34, page 69, dated November 12, 1980, 9,004.75 acres were cancelled. Of the 641.75 acres NOT cancelled by that order, 80.0 acres were confirmed by Certificate 13657. The remaining right, 561.75 acres, has not been certificated.

Certificate 13636 has 29.3 acres of water right that are not serviced or petitioned by the Association. This land has a priority date of 1897. A remaining right will be issued for this land. A description of the lands irrigated under the said right, and to which the water is appurtenant, is as follows:

<u>Gov't Lot</u>			<u>Tax Lot</u>
(Lot 1)	NE ¹ / ₄ NE ¹ / ₄	14.30 Acres	700
(Lot 2)	NW ¹ / ₄ NE ¹ / ₄	15.00 Acres	700

Section 4

Township 24 South, Range 9 East, W.M.

The petitioner requests to change the place of use for irrigation, as described in **Attachment A** (the Rights of Record), to locations described in said petition, shown as **Attachment B**. In addition, the petitioner requests to change the pond place of use and type of use listed in **Attachment A** (Certificate 30855), from pond maintenance to irrigation of 1.5 acres, included in **Attachment B**.

To summarize **Attachment B** (the petition), the total acreage requested for each priority date is as follows:

Priority Date	Source	Use	Acres
1897	Little Deschutes River	IR	759.30
1900	Little Deschutes River	IR	70.00
April 30, 1902	Little Deschutes River	IR	641.75
1907	Little Deschutes River	IR	63.10

Total 1,534.15

The said petition calls for all acreage allowed by the Rights of Record, except for the acreage under the 1907 priority (Certificate 29580). The petitioner has requested only 63.10 acres of the 136.00 acres right eligible under the 1907 priority, and the balance of the right is requested to be cancelled by the Association. A description of the lands having the said water right to be cancelled is as follows:

<u>Gov't Lot</u>			<u>Tax Lot</u>
(Lot 1)	N ¹ / ₂ NE ¹ / ₄	45.00 Acres	1500
(Lot 2)	SW ¹ / ₄ NE ¹ / ₄	27.90 Acres	1500

Section 14

Township 23 South, Range 9 East, W.M.

Two new certificates should be issued conforming to the said petition. One certificate should be issued for the water rights under priority dates 1897, 1900, and April 30, 1902 because they all share the same Duty, Rate, and Season. The second certificate should be issued for the water rights under priority date 1907 because the season differs compared to the other priority dates.

FINDINGS

The Director has examined the petition and maps submitted by the La Pine Cooperative Water Association and a report prepared by Department staff. Said report is on file at the Water Resources Department. Based upon the examination and report, the Director finds:

1. The La Pine Cooperative Water Association is a "district" as defined in ORS 541.325(1).
2. The Association filed its petition and maps in a timely manner.
3. The Association paid the fees required under ORS 536.050 (1)(o)
4. The Association certified that the notice requirements of ORS 541.329 (4) were met.
5. The content and quality of the Association's petition and maps meet the requirements of ORS 541.329.
6. The acreage petitioned is within the limits of the eligible water rights and the limits set in ORS 541.331 (4).
7. The Association has met the notice requirements of ORS 541.329 (5).
8. One protest was filed on February 21, 1995. The protest was dismissed on December 14, 1995 due to the Protestant's failure to respond within an ordered time period mutually agreed upon by the Protestant and Department.
9. The proposed changes may be made without injury to existing water rights.

Therefore, the Director finds that LA PINE COOPERATIVE WATER ASSOCIATION has met the requirements of ORS 541.325 to 541.333.

FINAL ORDER

NOW, THEREFORE, it is hereby ORDERED that the petition for the Association's maps of water rights be accepted and approved. Certificates 13636, 13639, 13651, 13657, 29580, 30855, 44005, and 49709 are cancelled.

That portion of the decreed right allowed by Mandate of the Supreme Court of the State of Oregon (134 Or 699 (1931)), in the Matter of the Determination of the Relative Rights to the Use of the Water of Deschutes River and its Tributaries, as established in the name of Walker Basin Irrigation Company tabulated at page 185, Volume 16, Order Record of the Water Resources Director (no Certificate issued), not modified by cancellation order Volume 34, Page 69, is confirmed herein.

Two new certificates of water right conforming to the approved petition (**Attachment B**) for a total irrigation of 1,534.15 acres of land shall be issued to LA PINE COOPERATIVE WATER ASSOCIATION. One certificate shall be issued for the irrigation of 1,471.05 acres under priority dates 1897, 1900, and April 30, 1902. The second certificate shall be issued for the irrigation of 63.10 acres under the priority date of 1907.

It is FURTHER ORDERED that the original season, rate, duty limitations, and all other conditions and limitations contained in the original decrees shall remain in effect for the irrigation rights petitioned.

It is FURTHER ORDERED that the balance of Certificate 29580 NOT petitioned be cancelled as provided in ORS 540.621 and ORS 541.329.

It is FURTHER ORDERED that a remaining right certificate be issued for that portion of Certificate 13636 NOT modified by the petition.

WITNESS the signature of the Oregon Water Resources Director, affixed

this 22nd day of December, 1995



Martha O. Pagel, Director

Rights of Record for LaPine Cooperative Water Association

T/W/N	RNG	SEC	T	V	P	Cert.	Priority	Use	P/S	NE/NE	NW/NE	SW/NE	SE/NE	NE/NW	NW/NW	SW/NW	SE/NW	NE/SW	NW/SW	SW/SW	SE/SW	NE/SE	NW/SE	SW/SE	SE/SE	
22	10	15				30855	1897	Pond	P																	
22	10	15				30855	1897	IR	P																	18.80
22	10	21				30855	1902	IR	P																	3.60
22	10	22				30855	1897	IR	P	35.10																40.00
22	10	22				30855	1902	IR	P				37.90													39.00
22	10	22				30855	1902	IR	P				40.00													40.00
22	10	23				30855	1897	IR	P																	40.00
22	10	27				30855	1897	IR	P				40.00													35.10
22	10	28					1902	IR	P																	21.90
22	10	32					1902	IR	P																	40.00
22	10	33					1902	IR	P																	40.00
22	10	34				30855	1897	IR	P				14.90													0.12
22	10	34				13651	1900	IR	P																	40.00
22	10	34				13651	1900	IR	P																	25.20
22	10	34				13651	1900	IR	P																	10.00
22	10	34				13651	1900	IR	P																	20.00
23	9	11	3188	31	573	13639	1897	IR	P																	2.20
23	9	11				29580	1907	IR	P																	20.00
23	9	11				29580	1907	IR	P																	34.00
23	9	14				13639	1897	IR	P																	11.30
23	9	14				29580	1907	IR	P																	12.50
23	9	23				13639	1897	IR	P	45.00			30.00													0.30
23	9	23				13639	1897	IR	P				4.00													16.00
23	9	26				13639	1897	IR	P																	
23	9	26				13639	1897	IR	P				24.90													
23	9	34				13639	1897	IR	P																	18.70
23	9	35				13639	1897	IR	P																	16.90
23	9	35				13639	1897	IR	P																	12.10
23	10	3	2945	24	199	49709	1897	IR	P																	16.80
23	10	3				13651	1900	IR	P																	6.20
23	10	3				13651	1900	IR	P																	
23	10	3				13651	1900	IR	P																	
23	10	3				13651	1900	IR	P																	
23	10	4					1902	IR	P																	
23	10	4					1902	IR	P																	
23	10	5					1902	IR	P																	
23	10	5					1902	IR	P	30.00			9.80													0.80
23	10	6					1902	IR	P	39.56			40.00													
23	10	6					1902	IR	P				40.00													
23	10	10				49709	1897	IR	P																	
23	10	10				44005	1897	IR	P																	
23	10	10	2581	22	77	44005	1897	IR	P																	8.70

1897 Acres: 759.30
 1900 Acres: 70.00
 1902 Acres: 641.75
 1907 Acres: 136.00
 Total Acres: 1607.05

Notes: (1) Certificate 13639 has been cancelled. However, no confirming or remaining right certificates have been issued.
 (2) In the T V P columns, T = Transfer Number, V = Volume Number, and P = Page Number.
 (3) In the P/S column, P = Primary Right and S = Secondary Right.
 (4) For Certificate 29580, the 20.00 acres is located in N1/2 SE 1/4; the 34.00 acres is located in S1/2 SE 1/4; the 45.00 acres is located in N1/2 NE 1/4.

Listing of Water Rights Petitioned and Users

			<u>Tax Lot</u>	<u>Priority</u>	<u>Owner</u>
SE ¼	SE ¼	22.70 ACRES	2802	1897	Barney, Joyce Stearns et al.
Section 15					
NE ¼	NE ¼	31.20 ACRES	100	1897	Barney, Joyce Stearns et al.
SW ¼	NE ¼	37.40 ACRES	101	April 30, 1902	Wanek, Gordon W. & Henrietta A.
SE ¼	NE ¼	1.00 ACRES	101	April 30, 1902	Wanek, Gordon W. & Henrietta A.
SE ¼	NE ¼	28.80 ACRES	101	1897	Wanek, Gordon W. & Henrietta A.
NE ¼	SE ¼	38.70 ACRES	101	1897	Wanek, Gordon W. & Henrietta A.
NW ¼	SE ¼	39.30 ACRES	101	April 30, 1902	Wanek, Gordon W. & Henrietta A.
SW ¼	SE ¼	34.20 ACRES	101	April 30, 1902	Wanek, Gordon W. & Henrietta A.
SW ¼	SE ¼	3.30 ACRES	101	1897	Wanek, Gordon W. & Henrietta A.
SE ¼	SE ¼	20.30 ACRES	101	1897	Wanek, Gordon W. & Henrietta A.
SW ¼	SE ¼	1.80 ACRES	103	1897	Wanek, Gordon W. & Henrietta A.
SE ¼	SE ¼	0.90 ACRES	103	1897	Wanek, Gordon W. & Henrietta A.
Section 22					
NW ¼	SW ¼	1.00 ACRES	2400 C	1897	Wanek, Gordon W. & Henrietta A.
NW ¼	SW ¼	8.10 ACRES	2401 C	1897	Wanek, Gordon W. & Henrietta A.
SW ¼	SW ¼	4.80 ACRES	2401 C	1897	Wanek, Gordon W. & Henrietta A.
Section 23					
NE ¼	NE ¼	15.20 ACRES	103	1897	Wanek, Gordon W. & Henrietta A.
NW ¼	NE ¼	36.80 ACRES	103	1897	Wanek, Gordon W. & Henrietta A.
SW ¼	NE ¼	12.80 ACRES	103	1897	Wanek, Gordon W. & Henrietta A.
SW ¼	NE ¼	26.80 ACRES	108	1897	Wanek, Gordon W. & Henrietta A.
SE ¼	NE ¼	5.90 ACRES	103	1897	Wanek, Gordon W. & Henrietta A.
SE ¼	NE ¼	11.10 ACRES	108	1897	Wanek, Gordon W. & Henrietta A.
NE ¼	SE ¼	5.70 ACRES	108	1897	Wanek, Gordon W. & Henrietta A.
NW ¼	SE ¼	34.20 ACRES	108	1897	Wanek, Gordon W. & Henrietta A.
SW ¼	SE ¼	8.70 ACRES	100	1897	Hunt, Rodney A. & Catherine J.
SW ¼	SE ¼	5.60 ACRES	101	1897	LeBeau, Donald R. & Suzanne G.
SW ¼	SE ¼	4.80 ACRES	106	1897	Hunt, Rodney A. & Catherine J.
SW ¼	SE ¼	3.30 ACRES	107	1897	Hunt, Rodney A. & Catherine J.
Section 27					
SW ¼	NW ¼	39.40 ACRES	3400	April 30, 1902	Miltenberger, Pauline C.
NW ¼	SW ¼	39.80 ACRES	3400	April 30, 1902	Miltenberger, Pauline C.
Section 28					
NE ¼	NE ¼	5.00 ACRES	3700	April 30, 1902	Miltenberger, Orville C. & Beverly I.
SE ¼	NE ¼	11.50 ACRES	3700	April 30, 1902	Miltenberger, Orville C. & Beverly I.
NE ¼	SE ¼	11.00 ACRES	3700	April 30, 1902	Miltenberger, Orville C. & Beverly I.
SE ¼	SE ¼	1.50 ACRES	3700	April 30, 1902	Miltenberger, Orville C. & Beverly I.
Section 31					
NE ¼	SW ¼	39.30 ACRES	3900	April 30, 1902	Miltenberger, Orville C. & Beverly I.
NW ¼	SE ¼	39.30 ACRES	3900	April 30, 1902	Miltenberger, Orville C. & Beverly I.
Section 32					
SW ¼	SW ¼	38.30 ACRES	4000	April 30, 1902	Miltenberger, Pauline C.
Section 33					
NW ¼	NE ¼	18.70 ACRES	2803	1897	LeBeau, Donald R. & Suzanne G.
NW ¼	NE ¼	0.70 ACRES	2805	1897	LeBeau, Donald R. & Suzanne G.
NE ¼	NW ¼	39.70 ACRES	2803	1897	LeBeau, Donald R. & Suzanne G.
SE ¼	NW ¼	36.70 ACRES	2803	1897	LeBeau, Donald R. & Suzanne G.

Listing of Water Rights Petitioned and Users

			<u>Tax Lot</u>	<u>Priority</u>	<u>Owner</u>
NE ¼	SW ¼	24.30 ACRES	2803	1897	LeBeau, Donald R. & Suzanne G.
SW ¼	SW ¼	10.10 ACRES	4100	1900	Yager, Paul David & Speer, Dixie
SE ¼	SW ¼	11.00 ACRES	4100	1900	Yager, Paul David & Speer, Dixie

Section 34

Township 22 South, Range 10 East, W.M.

SW ¼	NE ¼	2.50 ACRES	700 A	1897	Bell A Land & Cattle Co.
SE ¼	NE ¼	28.70 ACRES	800 A	1897	Bell A Land & Cattle Co.
NE ¼	SE ¼	39.20 ACRES	1300	1897	Bell A Land & Cattle Co.
NW ¼	SE ¼	8.60 ACRES	1300	1897	Bell A Land & Cattle Co.
SW ¼	SE ¼	24.00 ACRES	1300	1897	Bell A Land & Cattle Co.
SE ¼	SE ¼	32.50 ACRES	1300	1897	Bell A Land & Cattle Co.

Section 11

NE ¼	NE ¼	7.70 ACRES	1500	1897	Bell A Land & Cattle Co.
NW ¼	NE ¼	34.20 ACRES	1500	1897	Bell A Land & Cattle Co.
SW ¼	NE ¼	29.10 ACRES	1500	1897	Bell A Land & Cattle Co.
SE ¼	NE ¼	2.10 ACRES	1500	1897	Bell A Land & Cattle Co.
NW ¼	SE ¼	5.40 ACRES	1500	1897	Bell A Land & Cattle Co.
SW ¼	SE ¼	13.30 ACRES	1500	1897	Bell A Land & Cattle Co.

Section 14

NW ¼	NE ¼	8.80 ACRES	2300	1897	Bell A Land & Cattle Co.
SW ¼	NE ¼	7.60 ACRES	2300	1897	Bell A Land & Cattle Co.
NW ¼	SE ¼	12.40 ACRES	2300	1897	Bell A Land & Cattle Co.
SW ¼	SE ¼	8.30 ACRES	2300	1897	Bell A Land & Cattle Co.
SW ¼	SE ¼	1.70 ACRES	2300	April 30, 1902	Bell A Land & Cattle Co.

Section 23

NW ¼	NE ¼	12.50 ACRES	200	April 30, 1902	Bell A Land & Cattle Co.
NE ¼	NW ¼	2.05 ACRES	200	April 30, 1902	Bell A Land & Cattle Co.
SE ¼	NW ¼	12.00 ACRES	200	April 30, 1902	Bell A Land & Cattle Co.
NE ¼	SW ¼	22.80 ACRES	200	April 30, 1902	Bell A Land & Cattle Co.
NW ¼	SW ¼	1.10 ACRES	200	April 30, 1902	Bell A Land & Cattle Co.
SW ¼	SW ¼	3.20 ACRES	200	April 30, 1902	Bell A Land & Cattle Co.
SE ¼	SW ¼	13.30 ACRES	400	April 30, 1902	Cliff, Theresa

Section 26

SW ¼	NE ¼	5.10 ACRES	3400	1907	Bell A Land & Cattle Co.
SE ¼	NE ¼	19.20 ACRES	3400	1907	Bell A Land & Cattle Co.
NE ¼	SW ¼	4.60 ACRES	3400	1907	Bell A Land & Cattle Co.
SW ¼	SW ¼	2.60 ACRES	3400	1907	Bell A Land & Cattle Co.
SE ¼	SW ¼	8.20 ACRES	3400	1907	Bell A Land & Cattle Co.
NW ¼	SE ¼	10.30 ACRES	3400	1907	Bell A Land & Cattle Co.

Section 34

NE ¼	NW ¼	4.10 ACRES	3600	April 30, 1902	Bell A Land & Cattle Co.
NW ¼	NW ¼	7.20 ACRES	3600	April 30, 1902	Bell A Land & Cattle Co.
NW ¼	NW ¼	8.50 ACRES	3600	1907	Bell A Land & Cattle Co.
SW ¼	NW ¼	4.60 ACRES	3600	1907	Bell A Land & Cattle Co.

Section 35

Township 23 South, Range 9 East, W.M.

NE ¼	NW ¼	21.00 ACRES	400	1900	Yager, James E. et al.
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Listing of Water Rights Petitioned and Users

			<u>Tax Lot</u>	<u>Priority</u>	<u>Owner</u>
SE ¼	NW ¼	27.90 ACRES	400	1900	Yager, James E. et al.
NE ¼	SW ¼	1.30 ACRES	400 C	April 30, 1902	Wood, G. Lee & Joyce
NE ¼	SW ¼	4.90 ACRES	400 C	1897	Wood, G. Lee & Joyce
NE ¼	SW ¼	0.70 ACRES	500 C	April 30, 1902	Wood, G. Lee & Joyce
NE ¼	SW ¼	3.00 ACRES	500 C	1897	Wood, G. Lee & Joyce
NE ¼	SW ¼	2.10 ACRES	600 C	1897	Lewis, David D. Jr. & Laurie J.
NE ¼	SW ¼	1.80 ACRES	700 C	1897	Severson, Arlene & Higginbotham, Raymond G.
SE ¼	SW ¼	2.50 ACRES	800 C	1897	Falconer, Pam
SE ¼	SW ¼	2.60 ACRES	1200 C	1897	Jarman, Edwin D. & Kay F.
SE ¼	SW ¼	2.00 ACRES	1200 C	April 30, 1902	Jarman, Edwin D. & Kay F.
SE ¼	SW ¼	2.70 ACRES	1300 C	1897	Strunk, Vance & Ruby E.
SE ¼	SW ¼	2.90 ACRES	1400 C	1897	Wicks, Curtis L. & Pamela L.
Section 3					
NW ¼	NW ¼	39.00 ACRES	600	April 30, 1902	Miltenberger, Pauline C.
SW ¼	NW ¼	38.90 ACRES	600	April 30, 1902	Miltenberger, Pauline C.
Section 4					
NE ¼	NE ¼	28.70 ACRES	100	April 30, 1902	Miltenberger, Pauline C.
SW ¼	NE ¼	1.90 ACRES	100	1897	Miltenberger, Pauline C.
SW ¼	NE ¼	24.00 ACRES	100	April 30, 1902	Miltenberger, Pauline C.
SE ¼	NE ¼	39.10 ACRES	100	April 30, 1902	Miltenberger, Pauline C.
Section 5					
NE ¼	NE ¼	32.70 ACRES	700	April 30, 1902	Havlik, Ann K.
NW ¼	NE ¼	5.00 ACRES	700	April 30, 1902	Havlik, Ann K.
SE ¼	NE ¼	6.40 ACRES	700	April 30, 1902	Havlik, Ann K.
Section 6					
NE ¼	NW ¼	8.60 ACRES	200	1897	Wicks, Curtis L. & Pamela L.
NE ¼	NW ¼	7.00 ACRES	200	April 30, 1902	Wicks, Curtis L. & Pamela L.
NE ¼	NW ¼	3.00 ACRES	400	1897	Thomas, Thomas, N. & Carmen O.
SE ¼	NW ¼	2.10 ACRES	500	1897	Mickle, Christopher D. & Hollister, Janet M.
SE ¼	NW ¼	2.10 ACRES	600	1897	Thomas, Robert
SE ¼	NW ¼	2.10 ACRES	700	1897	Coven, Theodore & Sharon R.

Section 10

Township 23 South, Range 10 East, W.M.