BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-11769, Crook, Jefferson County)	TEMPORARY CHANGE IN PLACE OF
)	USE

Authority

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CHARLES HEGELE 7950 N. LONE PINE ROAD TERREBONNE, OR 97760

Findings of Fact

- 1. On March 25, 2014, CHARLES HEGELE filed an application to temporarily change the place of use under Certificates 72197 and 76714 for a period of five years. The Department assigned the application number T-11769.
- 2. Notice of the application for transfer was published on April 8, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. The portion of the first right to be temporarily transferred is as follows:

Certificate: 72197 in the name of CROOK COUNTY IMPROVEMENT DISTRICT

#1 (confirmed by Deschutes River Decree)

Use: IRRIGATING 7.9 ACRES

Priority Date: OCTOBER 31, 1900

Rate: 0.10 CUBIC FOOT PER SECOND

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 not to exceed the quantity determined by the duty of water as set by decree

of the Circuit Court for Deschutes County, dated March 24, 1933, as

This is a final 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.

measured at the Lone Pine Weir, not to exceed 4.2 acre-feet for each acre

irrigated during the irrigation season.

Source:

DESCHUTES RIVER, a tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	NORTH 36 DEGREES 45 MINUTES WEST, 1056.8 FEET FROM THE E1/4 CORNER OF SECTION 29; WEIR LOCATED IN THE SWSE 14S 13E 13

Authorized Place of Use:

IRRIGATION							
Twp Rng Mer Sec Q-Q Acres							
14 S	14 E	WM	9	SE NW	3.0		
14 S	14 E	WM	9	SW SW	4.9		

4. Temporary Transfer Application T-11769 proposes to temporarily change the place of use of the right to:

	IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres		
14 S	14 E	WM	9	NE SW	0.5		
14 S	14 E	WM	9	SW SW	0.2		
14 S	14 E	WM	9	SE SW	0.3		
14 S	14 E	WM	16	SW NW	6.9		

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

Certificate:

76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

(perfected under Permit S-23256)

Use:

SUPPLEMENTAL IRRIGATION OF 7.9 ACRES

Priority Date:

FEBRUARY 28, 1913

Limit/Duty:

The appropriation shall be limited to the duty of water as set out in the modified supplemental decree of the circuit court dated March 24, 1933, in the matter of the determination of the relative rights to the use of the waters of the Deschutes River and its tributaries; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall be further limited to the terms of the inter-district contract dated January 4, 1938, between the Central Oregon Irrigation District, Crook County Improvement District #1, and the Arnold Irrigation District, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer..

CRANE PRAIRIE RESERVOIR (CONSTRUCTED UNDER PERMIT

R-1687), tributary to the DESCHUTES RIVER

Source:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	CENTRAL OREGON 11 (CENTRAL OREGON IRRIGATION DISTRICT NORTH CANAL AND CROOK COUNTY IMPROVEMENT DISTRICT #1) 850 FEET NORTH AND 630 FEET EAST FROM THE N1/4 CORNER OF SECTION 29

Authorized Place of Use:

	SUPPLEMENTAL IRRIGATION							
Twp Rng Mer Sec Q-Q Acre								
14 S	14 E	WM	9	SE NW	3.0			
14 S	14 E	WM	9	SW SW	4.9			

- 6. There is a scrivener's error on Certificate 76714 describing the location of the point of diversion referenced by CENTRAL OREGON 11 (CENTRAL OREGON IRRIGATION DISTRICT NORTH CANAL AND CROOK COUNTY IMPROVEMENT DISTRICT #1). Per the original Certificate 83571, the location is described as 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29.
- 7. Temporary Transfer Application T-11769 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION							
Twp	Twp Rng Mer Sec Q-Q Acre						
14 S	14 E	WM	9	NE SW	0.5		
14 S	14 E	WM	9	SW SW	0.2		
14 S	14 E	WM	9	SE SW	0.3		
14 S	14 E	WM	16	SW NW	6.9		

- 8. The water right evidenced by Certificate 76714 allows for 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 on the certificate and the use is limited to the total volume of stored water to make up a deficiency in supply of the live flow water right appurtenant to specified lands.
- 9. Temporary Transfer Application T-11769 proposes to temporarily transfer water rights within the boundaries of Lone Pine Irrigation District, formerly Crook County Improvement District #1, and Central Oregon Irrigation District. The districts were notified of the proposed temporary transfer and indicated that they do not object to the transfer.

Temporary Transfer Review Criteria

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

- 11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
- 12. The proposed change would not result in enlargement of the rights.
- 13. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusion of Law

The temporary change in place of use proposed in application Temporary Transfer Application T-11769 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- 1. The temporary change in place of use proposed in Temporary Transfer Application T-11769 is approved.
- 2. The former place of use **shall not** be irrigated as part of these water rights during the 2014, 2015, 2016, 2017 and 2018 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2018 irrigation season.
- 4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
- 5. A subsequent application for permanent transfer of Certificates 72197 and 76714 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
- 6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 72197 and 76714.
- 7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
- 8. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department

9. The use of the remaining water rights described by Certificates 72197 and 76714 shall

Dwight French, Water Right Services Administrator, for

PHILLIP C/WARD, DIRECTOR

Mailing Date: MAY 23 2014