

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-11707, Deschutes and Crook Counties) **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

CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE CT.
REDMOND, OR 97756

Findings of Fact

1. On December 27, 2013, Central Oregon Irrigation District (COID) filed a district transfer application to permanently change the place of use under Certificates 83571 and 76714. The Department assigned the application number T-11707.
2. Notice of the application for transfer was published on January 7, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On February 27, 2014, the applicant requested the Department place a hold on Transfer Application T-11707 until March 10, 2014.
4. On March 12, 2014, the applicant requested the Department continue to hold Transfer Application T-11707 and proceed with processing the application, upon the issuance of a final order for Instream Lease IL-1378.
5. On March 18, 2014, the applicant submitted revised information and maps for the portions of lands involved in the application that have been affected by variances in measuring techniques.
6. The portion of the primary irrigation right to be transferred is as follows:
Certificate: 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT
Use: IRRIGATION of 19.51 acres
Priority Date: OCTOBER 31, 1900 and DECEMBER 2, 1907
Season of Use: April 1 through October 31, further limited as follows:

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.

April 1 through April 30 & October 1 through October 31 described herein as Season 1

May 1 through May 14 & September 16 through September 30 described herein as Season 2

May 15 through September 15 described herein as Season 3

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: 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 Places of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD #
15S	14E	WM	27	SE SE	0.50	100	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	27	SW NE	1.70	800	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	33	NE SE	0.84	400	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	NE SE	0.22	401	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	NE SW	0.03	101	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SE NE	0.59	100	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SE NW	0.32	101	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SE SE	1.00	400	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SW NE	0.25	101	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SW NE	0.10	100	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	34	NE NE	0.17	100	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	NE NW	1.63	200	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	NW NE	1.05	100	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	SE NW	0.03	500	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	SW NE	1.00	500	Waibel Ranch, LLC	T-2013-021	1
15S	15E	WM	20	NW SW	0.45	100	Stafford	T-2013-016	1
16S	12E	WM	02	NW SE	0.40	201	Williams	T-2013-019	11
16S	12E	WM	10	SE SE	0.35	1600	Brian	T-2013-018	11
17S	12E	WM	14	NE NW	0.43	301	Vernon	T-2013-015	11
17S	12E	WM	14	NW NW	0.06	300	Vernon	T-2013-015	11
17S	13E	WM	18	SW SW	0.20	901	RIC-O-CHET, LLC	T-2013-020	1
17S	14E	WM	22	NE SW	1.25	700	Sheridan	T-2013-014	1
17S	14E	WM	22	NW SE	0.08	700	Sheridan	T-2013-014	1

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD #
17S	14E	WM	22	SW NE	1.90	701	Sheridan	T-2013-014	1
17S	14E	WM	27	SW NW	1.40	1201	Nance	T-2013-022	1
18E	12E	WM	02	SW NW	0.13	200	COID	T-2013-020	1
18E	13E	WM	03	SW NE	0.53	501	COID	T-2013-020	1
18E	13E	WM	04	SE NE	1.47	108	Ward, Kim D. LLC	T-2013-020	1
18S	13E	WM	04	SW NE	0.95	105	Ralston	T-2013-020	1
18S	13E	WM	04	SW NE	0.48	107	Ward, Kim D. LLC	T-2013-020	1
TOTAL:					19.51				

7. Transfer Application T-11707 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD #
15S	14E	WM	27	NW SE	0.50	800	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	27	SE NE	0.49	101	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	27	SE SE	0.10	100	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	33	NW NE	1.41	101	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SE NE	0.93	100	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SW NE	0.55	100	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SW NE	0.40	101	Waibel, Charles/Julie	T-2013-021	1
15S	14E	WM	33	SE SE	0.03	400	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	NE NE	1.30	100	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	NE NW	0.10	200	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	SE NW	0.19	500	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	SE SE	2.98	601	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	34	SW NE	0.45	500	Waibel Ranch, LLC	T-2013-021	1
15S	15E	WM	20	NW NE	0.45	100	Stafford	T-2013-016	1
16S	12E	WM	02	NW SE	0.40	201	Williams	T-2013-019	11
16S	12E	WM	10	SE SE	0.35	1600	Brian	T-2013-018	11
17S	12E	WM	14	NE NW	0.27	300	Vernon	T-2013-015	11
17S	12E	WM	14	NE NW	0.22	301	Vernon	T-2013-015	11
17S	14E	WM	22	NE SW	0.73	700	Sheridan	T-2013-014	1
17S	14E	WM	22	SW NE	2.50	701	Sheridan	T-2013-014	1
17S	14E	WM	27	SW NW	1.00	1202	Nance	T-2013-022	1
17S	14E	WM	27	SW NW	0.40	1201	Nance	T-2013-022	1
18S	13E	WM	04	NE SE	0.17	300	Ward, Kim D. LLC	T-2013-020	1
18E	13E	WM	04	NE SE	0.53	300	Ward, Kim D. LLC	T-2013-020	1
18E	13E	WM	04	NE SE	0.16	300	Ward, Kim D. LLC	T-2013-020	1
18E	13E	WM	04	SE SE	1.15	303	Ward, Justin/Amy	T-2013-020	1
18E	13E	WM	04	SE SE	1.10	300	Ward, Kim D. LLC	T-2013-020	1
18S	13E	WM	04	SE SE	0.65	302	Ward, Kim D. LLC	T-2013-020	1
TOTAL:					19.51				

8. 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:

Season of Use: April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein as Season 1.

May 1 through May 14 & September 15 through September 30 described herein as Season 2.

May 15 through September 14 described herein as Season 3.

9. The portion of the supplemental irrigation right to be transferred is as follows:

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 19.51 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
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Authorized Places of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice	POD #
15S	14E	WM	27	SE SE	0.50	100	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	27	SW NE	1.70	800	Waibel Ranch, LLC	T-2013-021	1
15S	14E	WM	33	NE SE	0.84	400	Waibel, Charles/Julie	T-2013-021	1
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15S	14E	WM	27	SE SE	0.10	100	Waibel Ranch, LLC	T-2013-021	1
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15S	14E	WM	33	SW NE	0.40	101	Waibel, Charles/Julie	T-2013-021	1
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15S	14E	WM	34	SE NW	0.19	500	Waibel Ranch, LLC	T-2013-021	1
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15S	14E	WM	34	SW NE	0.45	500	Waibel Ranch, LLC	T-2013-021	1
15S	15E	WM	20	NW NE	0.45	100	Stafford	T-2013-016	1
16S	12E	WM	02	NW SE	0.40	201	Williams	T-2013-019	11
16S	12E	WM	10	SE SE	0.35	1600	Brian	T-2013-018	11
17S	12E	WM	14	NE NW	0.27	300	Vernon	T-2013-015	11
17S	12E	WM	14	NE NW	0.22	301	Vernon	T-2013-015	11
17S	14E	WM	22	NE SW	0.73	700	Sheridan	T-2013-014	1
17S	14E	WM	22	SW NE	2.50	701	Sheridan	T-2013-014	1
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17S	14E	WM	27	SW NW	0.40	1201	Nance	T-2013-022	1
18S	13E	WM	04	NE SE	0.17	300	Ward, Kim D. LLC	T-2013-020	1
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18E	13E	WM	04	NE SE	0.16	300	Ward, Kim D. LLC	T-2013-020	1
18E	13E	WM	04	SE SE	1.15	303	Ward, Justin/Amy	T-2013-020	1
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18S	13E	WM	04	SE SE	0.65	302	Ward, Kim D. LLC	T-2013-020	1
TOTAL:					19.51				

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 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.
14. The proposed change in places of use will not result in injury to other water rights.

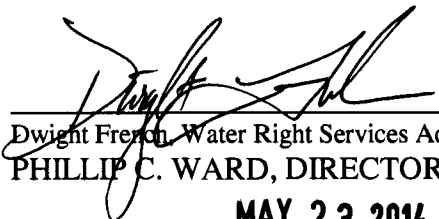
Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-11707 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 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 former places of use shall no longer be irrigated as part of these water rights.
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, 2015**. 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. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 19 day of May, 2014.


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

Mailing Date: MAY 23 2014