

BEFORE THE WATER RESOURCES DEPARTMENT

**OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11288, Deschutes County) DISTRICT PERMANENT TRANSFER

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

ARNOLD IRRIGATION DISTRICT
PO BOX 9220
BEND, OR 97708

Findings of Fact

1. On August 31, 2011, Arnold Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74197 and 76714. The Department assigned the application number T-11288.
2. Notice of the application for transfer was published on September 6, 2011, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 74197, issued in the name of Arnold Irrigation District
Use: Irrigation of 24.05 acres
Priority Date: February 1, 1905; April 25, 1905
Source: the Deschutes River, a tributary of the Columbia River
Rate: Limited to not more than the rate specified by source and a total diversion not to exceed 125.0 cfs from all sources.
Source: Deschutes River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	POD#	MEASURED DISTANCE
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

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.

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
18S	12E	WM	8	SE NE	100	2.68	WHEATCROFT	T-2010-004-F
18S	12E	WM	9	NE SW	300	2.00	DIAMONT, LLC	T-2010-004-F
18S	12E	WM	12	SW NE	304	5.90	COOPER	T-2010-006-F
18S	12E	WM	24	NE SE	1300	7.00	CAMPBELL	T-2010-001-F
18S	12E	WM	25	NE NW	901	0.40	LOSEY	T-2010-005-F
18S	12E	WM	26	NE NE	1000	1.57	PHIPPS	T-2010-003-F
18S	12E	WM	26	NW NE	1000	0.83	PHIPPS	T-2010-003-F
18S	13E	WM	17	SW NE	300	1.40	FLEMING	T-2010-007-F
18S	13E	WM	17	SW NE	400	0.60	FLEMING	T-2010-007-F
18S	13E	WM	19	NE NW	201	1.67	BOMSTAD	T-2010-002-F
TOTAL:						24.05		

3. Transfer Application T-11288 proposes to change the place of use to:

Proposed Place of Use

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
18S	12E	WM	8	SE NE	100	1.22	WHEATCROFT	T-2010-003-N
18S	12E	WM	12	SW NE	304	5.22	COOPER	T-2010-006-N
18S	12E	WM	13	SW SE	1301	2.00	QUAGLIATA	T-2010-004-N
18S	12E	WM	21	SE SW	2100	1.46	HEALY	T-2010-004-N
18S	12E	WM	22	NE SE	3000	0.68	DEPOLO	T-2010-006-N
18S	12E	WM	24	NE SE	1300	7.00	CAMPBELL	T-2010-001-N
18S	12E	WM	25	NE NW	901	0.40	LOSEY	T-2010-005-N
18S	12E	WM	26	NE NE	1000	1.61	PHIPPS	T-2010-003-N
18S	12E	WM	26	NW NE	1000	0.18	PHIPPS	T-2010-003-N
18S	12E	WM	26	SE NE	1000	0.61	PHIPPS	T-2010-003-N
18S	13E	WM	17	SE NE	300	2.00	DEFOE/DREW CREEK LLC	T-2010-007-N
18S	13E	WM	19	NE NW	201	1.67	BOMSTAD	T-2010-002-N
TOTAL:						24.05		

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

Certificate: 76714, issued in the name of Central Oregon Irrigation District

Use: Supplemental Irrigation of 24.05 acres.

Priority Date: February 28, 1913

Rate & Duty: The right is limited to a total of 50,000 acre -feet of stored water

Source: Crane Prairie Reservoir, tributary to the Deschutes River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	POD#	MEASURED DISTANCE
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User	Notice #
18S	12E	WM	8	SE NE	100	2.68	WHEATCROFT	T-2010-004-F
18S	12E	WM	9	NE SW	300	2.00	DIAMONT, LLC	T-2010-004-F
18S	12E	WM	12	SW NE	304	5.90	COOPER	T-2010-006-F
18S	12E	WM	24	NE SE	1300	7.00	CAMPBELL	T-2010-001-F
18S	12E	WM	25	NE NW	901	0.40	LOSEY	T-2010-005-F
18S	12E	WM	26	NE NE	1000	1.57	PHIPPS	T-2010-003-F
18S	12E	WM	26	NW NE	1000	0.83	PHIPPS	T-2010-003-F
18S	13E	WM	17	SW NE	300	1.40	FLEMING	T-2010-007-F
18S	13E	WM	17	SW NE	400	0.60	FLEMING	T-2010-007-F
18S	13E	WM	19	NE NW	201	1.67	BOMSTAD	T-2010-002-F
TOTAL:						24.05		

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18S	12E	WM	8	SE NE	100	1.22	WHEATCROFT	T-2010-003-N
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18S	12E	WM	21	SE SW	2100	1.46	HEALY	T-2010-004-N
18S	12E	WM	22	NE SE	3000	0.68	DEPOLO	T-2010-006-N
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18S	12E	WM	26	NW NE	1000	0.18	PHIPPS	T-2010-003-N
18S	12E	WM	26	SE NE	1000	0.61	PHIPPS	T-2010-003-N
18S	13E	WM	17	SE NE	300	2.00	DEFOE/DREW CREEK LLC	T-2010-007-N
18S	13E	WM	19	NE NW	201	1.67	BOMSTAD	T-2010-002-N
TOTAL:						24.05		

7. 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.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed changes in place of use would not result in enlargement of the rights.
10. The proposed changes in place of use would not result in injury to other water rights.

Conclusions of Law

The proposed changes in place of use in Transfer Application T-11288 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 74197 and 76714 are approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 74197 and 76714 and any related decree.
3. The former places of use shall no longer be irrigated as part of this water right.
4. The proposed changes shall be completed on or before October 1, 2013.
5. A Claim of Beneficial Use and Final Proof Map shall be submitted by the applicant to the Department by October 1, 2014.
6. Certificates 74197 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 21 day of October, 2011.



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

Mailing Date: OCT 24 2011