

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

In the Matter of Transfer Application            ) **F I N A L   O R D E R**  
T-10288, Crook County                            ) **APPROVING A PERMANENT**  
  ) **DISTRICT 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**

OCHOCO IRRIGATION DISTRICT  
1001 NW DEER STREET  
PRINEVILLE, OR 97754

**Findings of Fact**

1. On December 22, 2006, Ochoco Irrigation District filed a district transfer application to permanently change the place of use under Certificates 82246, 82247 and 82249. The Department assigned the application number T-10288.
2. Notice of the application for transfer was published on January 9, 2007, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:  
**Certificate:** 82246, issued in the name of OCHOCO IRRIGATION DISTRICT (perfected under Permit 5426)  
**Use:** IRRIGATION (IR) of 3.3 acres  
**Priority Date:** March 13, 1916 from McKay Creek, and August 10, 1917 from Ochoco Creek, Dry Creek, Lytle Creek, Johnson Creek, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir, constructed under Permit R-528, a tributary of the Crooked River

This is a final order in other than 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 either 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.

**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and shall be further limited to 4.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year

**Source:** Ochoco, McKay, Dry, Lytle and Johnson Creeks, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir, constructed under Permit R-528, tributaries to the Crooked River

**Authorized Point of Diversion:**

POD #	TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
1	15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL - 500 feet North and 250 feet East from the West ¼ Corner of Section 5

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	User	Notice#
15 S	16 E	WM	4	SE NW	4701	3.00	SANTUCCI TRUST	06-001
14 S	16 E	WM	26	SE SW	4100	0.30	STANIFORD, WILLIAM and GAIL	06-006
<b>TOTAL:</b>						<b>3.30</b>		

4. Application T-10288 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	User	Notice#
14 S	16 E	WM	5	SW SE	100	3.00	SANTUCCI TRUST	06-001
14 S	16 E	WM	26	SW SE	600	0.30	OSTRANDER, CRAIG and ANGELA	06-006
<b>TOTAL:</b>						<b>3.30</b>		

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

**Certificate:** 82247, issued in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit 25991)

**Use:** IRRIGATION (IR) of 22.1 acres

**Priority Date:** April 8, 1914

**Rate & Duty:** ONE-FORTIETH of one cubic foot per second (or its equivalent) and shall be further limited to 4.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-2223

**Source:** Crooked River and Prineville Reservoir, constructed under Permit R-2223, a tributary of the Deschutes River

**Authorized Point of Diversion:**

POD#	Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2	15 S	15 E	WM	36	SW SE	60 feet North and 1940 feet West from the SE Corner of Section 36

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	User	Notice#
13 S	15 E	WM	34	NW SW	106	6.00	OCHOCO WEST SAN. (Durkee)	06-002
13 S	15 E	WM	34	NW SW	106	5.00	OCHOCO WEST SAN. (Durkee)	06-004
13 S	15 E	WM	34	SW NW	106	0.60	OCHOCO WEST SAN. (Durkee)	06-005
13 S	15 E	WM	34	SW SW	106	4.40	OCHOCO WEST SAN. (Durkee)	06-005
13 S	15 E	WM	34	NW SW	106	5.00	OCHOCO WEST SAN. (Durkee)	06-007
13 S	15 E	WM	34	NW SW	106	1.10	OCHOCO WEST SAN. (Durkee)	06-015
<b>TOTAL:</b>						<b>22.10</b>		

6. Application T-10288 proposes to change the place of use for the above described right to:

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	User	Notice#
13 S	15 E	WM	33	SE NE	112	6.00	PIEREN, KEN & KIMBERLY	06-002
14 S	15 E	WM	16	NW SW	503	5.00	HODSON, JAMES & MARY	06-004
14 S	15 E	WM	16	SW NW	500	5.00	NORTON, THOMAS & MARY	06-005
13 S	15 E	WM	33	SE NE	114	5.00	POLING, JERRY & THERESA	06-007
15 S	16 E	WM	8	NE NW	203	1.10	CROOK COUNTY PARKS and RECREATION	06-015
<b>TOTAL:</b>						<b>22.10</b>		

7. The portion of the rights to be transferred are as follows:

**Certificate:** 82246, issued in the name of OCHOCO IRRIGATION DISTRICT (perfected under Permit 5426)

**Use:** IRRIGATION (IR) of 70.3 acres

**Priority Date:** March 13, 1916 from McKay Creek, and August 10, 1917 from Ochoco Creek, Dry Creek, Lytle Creek, Johnson Creek, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir, constructed under Permit R-528, a tributary of the Crooked River

**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and shall be further limited to 4.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year

**Source:** Ochoco, McKay, Dry, Lytle and Johnson Creeks, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir, constructed under Permit R-528, tributaries to the Crooked River

**Authorized Point of Diversion:**

POD #	TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
1	15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL - 500 feet North and 250 feet East from the West ¼ Corner of Section 5

**Certificate:** 82247, issued in the name of U.S. BUREAU OF RECLAMATION  
(perfected under Permit 25991)  
**Use:** SUPPLEMENTAL IRRIGATION (IR) of 70.3 acres  
**Priority Date:** April 8, 1914  
**Rate & Duty:** ONE-FORTIETH of one cubic foot per second (or its equivalent) and shall be further limited to 4.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-2223  
**Source:** Crooked River and Prineville Reservoir, constructed under Permit R-2223, a tributary of the Deschutes River

**Authorized Point of Diversion:**

POD#	Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2	15 S	15 E	WM	36	SW SE	60 feet North and 1940 feet West from the SE Corner of Section 36

**Authorized Places of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL#	CERTIFICATE (ACRES)		User	Notice#
						82246 (IR)	82247 (IS)		
14 S	16 E	WM	32	NE SE	1600	17.5	17.5	IRONHORSE DEV.	06-008
14 S	16 E	WM	32	SE SE	1600	27.8	27.8	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	NW SW	1600	0.9	0.9	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	SE SW	1600	12.1	12.1	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	SW SE	1600	0.6	0.6	IRONHORSE DEV.	06-008
14 S	16 E	WM	30	SE NE	3701	7.0	7.0	SUN RIDGE BUILDING	06-009
14 S	16 E	WM	30	SE NE	3700	1.6	1.6	SUN RIDGE BUILDING	Thru 06-014
14 S	16 E	WM	6	NW SW	800	1.3	1.3	STAR I TRUST	06-018
14 S	16 E	WM	6	SW SW	800	1.5	1.5	STAR I TRUST	06-018
<b>TOTAL:</b>						<b>70.3</b>	<b>70.3</b>		

8. Application T-10288 proposes to change the place of use for the above described rights to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL#	CERTIFICATE (ACRES)		User	Notice#
						82246 (IR)	82247 (IS)		
14 S	16 E	WM	29	SE SE	1600	0.8	0.8	IRONHORSE DEV.	06-008
14 S	16 E	WM	32	NE NE	1600	5.9	5.9	IRONHORSE DEV.	06-008
14 S	16 E	WM	32	NW NE	1600	15.9	15.9	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	NW NE	1600	1.1	1.1	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	SW NE	1600	2.0	2.0	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	NE NW	1600	4.4	4.4	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	NW NW	1600	0.7	0.7	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	SW NW	1600	12.6	12.6	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	SE NW	1600	12.6	12.6	IRONHORSE DEV.	06-008
14 S	16 E	WM	33	NE SW	1600	1.4	1.4	IRONHORSE DEV.	06-008

Twp	Rng	Mer	Sec	Q - Q	TL#	CERTIFICATE (ACRES)		User	Notice#
						82246 (IR)	82247 (IS)		
14 S	16 E	WM	33	NW SW	1600	1.5	1.5	IRONHORSE DEV.	06-008
14 S	16 E	WM	30	NW SE	101	0.9	0.9	NIXON, DALE	06-009
14 S	16 E	WM	30	NE SE	502	1.3	1.3	GOODMAN, GARY	06-010
14 S	16 E	WM	30	NW SE	201	0.9	0.9	PEDERSEN, DAROLD	06-011
14 S	16 E	WM	30	NE SE	501	0.9	0.9	HOLLIDAY, STEVE	06-012
14 S	16 E	WM	30	NW SE	100	0.8	0.8	CATTERSON, TODD	06-013
14 S	16 E	WM	7	NE NE	101	3.8	3.8	DeBOARD, SNODEN	06-014
14 S	16 E	WM	6	NW SW	800	1.2	1.2	STAR I TRUST	06-018
14 S	16 E	WM	6	SW SW	800	1.6	1.6	STAR I TRUST	06-018
<b>TOTAL:</b>						<b>70.3</b>	<b>70.3</b>		

9. The portion of the rights to be transferred are as follows:

**Certificate:** 82246, issued in the name of OCHOCO IRRIGATION DISTRICT (perfected under Permit 5426)  
**Use:** IRRIGATION (IR) of 19.4 acres  
**Priority Date:** March 13, 1916 from McKay Creek, and August 10, 1917 from Ochoco Creek, Dry Creek, Lytle Creek, Johnson Creek, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir, constructed under Permit R-528, a tributary of the Crooked River  
**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and shall be further limited to 4.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year  
**Source:** Ochoco, McKay, Dry, Lytle and Johnson Creeks, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir, constructed under Permit R-528, tributaries to the Crooked River

**Authorized Point of Diversion:**

POD #	TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
1	15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL - 500 feet North and 250 feet East from the West ¼ Corner of Section 5

**Certificate:** 82249, issued in the name of OCHOCO IRRIGATION DISTRICT  
**Use:** SUPPLEMENTAL IRRIGATION (IR) of 19.4 acres  
**Priority Date:** 1869, 1884 (from Ochoco Creek)  
**Rate & Duty:** ONE-SEVENTY-SEVENTH (1/77) of one cubic foot per second (or its equivalent) and shall be further limited to 4.0 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year  
**Source:** Crooked River, Ochoco Creek and Springs, and McKay Creek

**Authorized Point of Diversion:**

POD #	TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
1	15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL - 500 feet North and 250 feet East from the West ¼ Corner of Section 5

**Authorized Places of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL#	CERTIFICATE (ACRES)		User	Notice#
						82246 (IR)	82249 (IS)		
15 S	16 E	WM	4	SE NE	2507	1.0	1.0	BARNEY, BRIAN	06-003
15 S	16 E	WM	4	NE NE	--	2.4	2.4	BARNEY, BRIAN	06-016
15 S	16 E	WM	4	SE NE	--	13.5	13.5	BARNEY, BRIAN	06-016
15 S	16 E	WM	4	SE NE	--	2.5	2.5	BARNEY, BRIAN	06-017
<b>TOTAL:</b>						<b>19.4</b>	<b>19.4</b>		

10. Application T-10288 proposes to change the place of use for the above described rights to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL#	CERTIFICATE (ACRES)		User	Notice#
						82246 (IR)	82249 (IS)		
14 S	16 E	WM	27	SW NE	119	1.0	1.0	SUTTON, SCOTT	06-003
14 S	16 E	WM	35	NE SW	200	7.8	7.8	BARNEY, BRIAN	06-016
14 S	16 E	WM	35	NW SE	200	8.1	8.1	BARNEY, BRIAN	06-016
14 S	16 E	WM	36	SW NE	102	1.8	1.8	SPROAT, RON	06-017
14 S	16 E	WM	36	NW SE	102	0.7	0.7	SPROAT, RON	06-017
<b>TOTAL:</b>						<b>19.4</b>	<b>19.4</b>		

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 place of use would not result in enlargement of the rights.

14. The proposed changes in place of use would not result in injury to other rights.

**Conclusions of Law**


The change in place of use proposed in Transfer Application T-10288 satisfies the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

1. The proposed change in place of use to the District's existing water right Certificates 82246, 82247 and 82249 is 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 the District's water rights, related decree, and this Final Order approving Transfer Application T-10288.

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. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
6. The proposed changes shall be completed on or before **October 1, 2009**.
7. A Claim of Beneficial Use and Final Proof Map shall be submitted by Ochoco Irrigation District to the Department by October 1, 2010.
8. Certificates 82246, 82247 and 82249 are modified. The Department will issue superseding certificates describing the rights when it is determined that it is necessary for record keeping.

Dated at Salem, Oregon this 14<sup>th</sup> day of November, 2007.

  
Phillip C. Ward, Director

Mailing date: NOV 20 2007