



2. On October 1, 2019, COID sent by certified mail, notices to the same twenty-nine water users stating COID's intent to confiscate the water right appurtenant to their lands due to five consecutive years of non-use, and file a petition with the Department to transfer the unused portions of the water right to other lands in the District. The notice also advised the water users of their opportunity to object in writing within a 30 day period that began October 1, 2019. All persons holding a recorded security interest in the affected lands were also notified. The contents of the notices meet the requirements of ORS 540.572(3)-(4) and OAR 690-385-5100.
3. COID received written objections from one water user within 30 days of the notice described in Finding of Fact #2, which resulting in a meeting with the Managing Director of COID, but did not require in a in hearing before COID's board of directors for resolution.
4. On December 30, 2019, COID sent by certified mail, notices to the water users of the district whose right of record is to be transferred and to those who are to receive the transferred right. The notice informed them that COID filed a petition with the Department to remove water rights due to five consecutive years of non-use. Copies of the permanent transfer application (petition) and maps submitted to the Department were included in the notice. The notice also informed the water users of their opportunity to submit to the Department, a protest consistent with OAR 690-385-5700 against approval of the permanent transfer. The contents of the notice meet the requirements of ORS 540.576 and OAR 690-385-5400. No protests were received within the 60-day protest period that began December 30, 2019.
5. On December 31, 2019, the Department received COID's district transfer application to permanently change the place of use under Certificates 83571 and 76714. The application includes lands to be evaluated under ORS 540.572 (30.59 acres) for non-use, and lands *not involved in a non-use process* (7.13 acres) to be evaluated under ORS 540.580. The Department assigned the application number T-13341.
6. Notice of the District Permanent Transfer Application for Non-Use for 30.59 acres was published on January 7, 2020, pursuant to ORS 540.580 and OAR 690-385-5500 with a 30 day comment period. No comments were filed in response to the notice.
7. Notice of the District Permanent Transfer Application for 7.13 acres *not involved in a non-use process* was published on January 7, 2020, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
8. The U.S. Bureau of Reclamation was notified of the transfer application on January 7, 2020; no comments were received within 90 days of the notification.
9. On February 5 and 11, 2020, COID amended the transfer application to withdraw 1.75 acres of lands included in T-13341 as lands subject to forfeiture due to non-use and exchange it for 1.75 acres available for transfer, but not subject to forfeiture due to non-use. Revised tables and a map were submitted to reflect the amendment.

10. On March 6, 2020, the Department issued Certificate 94956 which superseded Certificate 83571.

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

**Certificate:** 94956 in the name of CENTRAL OREGON IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

**Use:** IRRIGATION of 37.72 acres

**Priority Dates:** OCTOBER 31, 1900 and DECEMBER 2, 1907

**Seasons of Use:** Season 1: April 1 through April 30 & October 1 through October 31  
 Season 2: May 1 through May 14 & September 16 through September 30  
 Season 3: May 15 through September 15

**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:** The 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 Place of Use:**

IRRIGATION									
	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
	14 S	13 E	WM	8	NE SW	0.20	406	PRODZINSKI	11
*	14 S	13 E	WM	15	NW NE	0.32	300	DUNN	11
*	14 S	13 E	WM	15	SW NE	0.43	300	DUNN	11
	14 S	13 E	WM	15	SE SW	0.18	1100	SEELEY	11
	14 S	13 E	WM	22	SE SW	0.25	400	NORDSTROM	11
	14 S	13 E	WM	24	NE NE	4.00	100	STREAM	11
	14 S	13 E	WM	24	SE NE	2.20	100	STREAM	11
*	14 S	13 E	WM	24	NE SW	0.30	1103	CAMPBELL	11
*	14 S	13 E	WM	24	NW SE	0.30	1103	CAMPBELL	11
*	14 S	13 E	WM	25	SE NW	1.10	800	FARNSWORTH	11
	14 S	13 E	WM	34	NE NW	0.10	210	GOOLD	11
	14 S	13 E	WM	34	NE NW	0.20	207	OLSEN	11
*	15 S	12 E	WM	12	SE NW	0.40	600	TRUSTEES OF SPRINGER FAM TRUST	11

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD	
15 S	12 E	WM	24	SW NE	0.23	301	ANDERSON	11	
15 S	12 E	WM	25	SE NW	0.35	511	HARTFIELD	11	
*	15 S	13 E	WM	4	SW SE	4.14	101	COID QUITCLAIM	11
15 S	13 E	WM	9	SW SW	3.00	1300	HAINLEY	11	
15 S	13 E	WM	31	NE NE	0.35	1100	ERICKSON REVOC TRUST	11	
15 S	14 E	WM	26	NE NW	0.35	400	BROWN	1	
15 S	14 E	WM	26	NW NW	0.75	404	BROWN	1	
16 S	12 E	WM	11	NE NE	0.20	1300	RUFFIN	11	
16 S	12 E	WM	11	NW NE	0.90	1300	RUFFIN	11	
16 S	12 E	WM	12	NE NE	0.15	109	UHRICH	11	
*	16 S	12 E	WM	12	SE NE	0.14	1000	LINDBECK	11
16 S	12 E	WM	12	SW NW	0.35	302	RISENMAY	11	
16 S	12 E	WM	12	SE NW	0.40	400	RISENMAY	11	
17 S	12 E	WM	12	SW SE	3.20	303	PESTKA	1	
17 S	12 E	WM	15	SW NE	0.40	300	SICKLER / FLETCHER	11	
17 S	12 E	WM	15	SE SW	0.60	400	KONYN	11	
17 S	12 E	WM	15	NW SE	0.16	1500	SHORTMAN	11	
17 S	12 E	WM	35	SE SW	0.30	100	ENGLISH	1	
17 S	12 E	WM	35	SE SW	1.00	200	ENGLISH	1	
17 S	13 E	WM	30	NE NE	0.40	200	ANTONSEN / AGUILAR-ANTONSEN	1	
17 S	14 E	WM	22	SW SE	0.15	1200	STOLLER	1	
17 S	14 E	WM	23	NW NW	0.55	500	ATHERLY	1	
17 S	14 E	WM	24	SW SE	2.60	1100	KALSI / CHINAR	1	
17 S	14 E	WM	24	SW SE	1.80	1701	KALSI / CHINAR	1	
17 S	14 E	WM	27	NW NW	1.00	200	WILLIS	1	
17 S	14 E	WM	27	NW SW	3.00	300	ANDREWS FAMILY TRUST	1	
18 S	12 E	WM	1	NW NW	0.12	6300	BEVINGTON FAMILY TRUST	1	
18 S	12 E	WM	2	NE NE	0.70	100	BLALACK	1	
18 S	13 E	WM	12	NE SE	0.45	700	GULLUCCI	1	
<b>Total</b>					<b>37.72</b>				

\*Lands totaling 7.13 acres not involved in transfer due to non-use

12. Transfer Application T-13341 proposes to change the Place of use to:

**Proposed Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD	
*	14 S	13 E	WM	8	SW NW	4.14	403	BUTTERFIELD	11
14 S	13 E	WM	8	SW NW	3.01	403	BUTTERFIELD	11	
14 S	13 E	WM	15	NW NE	1.58	300	DUNN	11	
*	14 S	13 E	WM	15	NW NE	0.32	300	DUNN	11
*	14 S	13 E	WM	15	SW NE	0.43	300	DUNN	11
14 S	13 E	WM	15	SW NE	3.57	300	DUNN	11	
14 S	13 E	WM	20	NW NW	0.96	801	AABY	11	
*	14 S	13 E	WM	20	NW NW	0.54	801	AABY	11
*	14 S	13 E	WM	24	NW SE	0.60	1103	CAMPBELL	11
14 S	13 E	WM	24	NW SE	3.00	1103	CAMPBELL	11	
14 S	13 E	WM	25	SE NW	0.80	800	FARNSWORTH	11	
*	14 S	13 E	WM	25	SE NW	1.10	800	FARNSWORTH	11
14 S	13 E	WM	34	SW NE	1.30	201	BATTY	11	

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
16 S	14 E	WM	16	NE NW	1.50	101	ENGLAND	1
16 S	14 E	WM	16	NW NW	7.75	101	ENGLAND	1
16 S	14 E	WM	16	SW NW	6.97	101	ENGLAND	1
16 S	14 E	WM	16	SE NW	0.15	101	ENGLAND	1
<b>Total</b>					<b>37.72</b>			

\*Lands totaling 7.13 acres not involved in transfer due to non-use

13. The season of use described in Certificate 94956 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the irrigation season should be described as:

- Seasons of Use:** Season 1: April 1 through April 30 & October 1 through October 31  
 Season 2: May 1 through May 14 & September 15 through September 30  
 Season 3: May 15 through September 14

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

**Certificate:** 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

**Use:** SUPPLEMENTAL IRRIGATION of 37.72 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
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 Place of Use:**

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD	
14 S	13 E	WM	8	NE SW	0.20	406	PRODZINSKI	11	
*	14 S	13 E	WM	15	NW NE	0.32	300	DUNN	11
*	14 S	13 E	WM	15	SW NE	0.43	300	DUNN	11
14 S	13 E	WM	15	SE SW	0.18	1100	SEELEY	11	
14 S	13 E	WM	22	SE SW	0.25	400	NORDSTROM	11	
14 S	13 E	WM	24	NE NE	4.00	100	STREAM	11	
14 S	13 E	WM	24	SE NE	2.20	100	STREAM	11	



SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD	
*	14 S	13 E	WM	24	NE SW	0.30	1103	CAMPBELL	11
*	14 S	13 E	WM	24	NW SE	0.30	1103	CAMPBELL	11
*	14 S	13 E	WM	25	SE NW	1.10	800	FARNSWORTH	11
	14 S	13 E	WM	34	NE NW	0.10	210	GOOLD	11
	14 S	13 E	WM	34	NE NW	0.20	207	OLSEN	11
*	15 S	12 E	WM	12	SE NW	0.40	600	TRUSTEES OF SPRINGER FAM TRUST	11
	15 S	12 E	WM	24	SW NE	0.23	301	ANDERSON	11
	15 S	12 E	WM	25	SE NW	0.35	511	HARTFIELD	11
*	15 S	13 E	WM	4	SW SE	4.14	101	COID QUITCLAIM	11
	15 S	13 E	WM	9	SW SW	3.00	1300	HAINLEY	11
	15 S	13 E	WM	31	NE NE	0.35	1100	ERICKSON REVOC TRUST	11
	15 S	14 E	WM	26	NE NW	0.35	400	BROWN	1
	15 S	14 E	WM	26	NW NW	0.75	404	BROWN	1
	16 S	12 E	WM	11	NE NE	0.20	1300	RUFFIN	11
	16 S	12 E	WM	11	NW NE	0.90	1300	RUFFIN	11
	16 S	12 E	WM	12	NE NE	0.15	109	UHRICH	11
*	16 S	12 E	WM	12	SE NE	0.14	1000	LINDBECK	11
	16 S	12 E	WM	12	SW NW	0.35	302	RISENMAY	11
	16 S	12 E	WM	12	SE NW	0.40	400	RISENMAY	11
	17 S	12 E	WM	12	SW SE	3.20	303	PESTKA	1
	17 S	12 E	WM	15	SW NE	0.40	300	SICKLER / FLETCHER	11
	17 S	12 E	WM	15	SE SW	0.60	400	KONYN	11
	17 S	12 E	WM	15	NW SE	0.16	1500	SHORTMAN	11
	17 S	12 E	WM	35	SE SW	0.30	100	ENGLISH	1
	17 S	12 E	WM	35	SE SW	1.00	200	ENGLISH	1
	17 S	13 E	WM	30	NE NE	0.40	200	ANTONSEN / AGUILAR-ANTONSEN	1
	17 S	14 E	WM	22	SW SE	0.15	1200	STOLLER	1
	17 S	14 E	WM	23	NW NW	0.55	500	ATHERLY	1
	17 S	14 E	WM	24	SW SE	2.60	1100	KALSI / CHINAR	1
	17 S	14 E	WM	24	SW SE	1.80	1701	KALSI / CHINAR	1
	17 S	14 E	WM	27	NW NW	1.00	200	WILLIS	1
	17 S	14 E	WM	27	NW SW	3.00	300	ANDREWS FAMILY TRUST	1
	18 S	12 E	WM	1	NW NW	0.12	6300	BEVINGTON FAMILY TRUST	1
	18 S	12 E	WM	2	NE NE	0.70	100	BLALACK	1
	18 S	13 E	WM	12	NE SE	0.45	700	GULLUCCI	1
<b>Total</b>					<b>37.72</b>				

\*Lands totaling 7.13 acres not involved in transfer due to non-use

15. Transfer Application T-13341 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD	
*	14 S	13 E	WM	8	SW NW	4.14	403	BUTTERFIELD	11
	14 S	13 E	WM	8	SW NW	3.01	403	BUTTERFIELD	11
	14 S	13 E	WM	15	NW NE	1.58	300	DUNN	11
*	14 S	13 E	WM	15	NW NE	0.32	300	DUNN	11
*	14 S	13 E	WM	15	SW NE	0.43	300	DUNN	11
	14 S	13 E	WM	15	SW NE	3.57	300	DUNN	11

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	POD
14 S	13 E	WM	20	NW NW	0.96	801	AABY	11
* 14 S	13 E	WM	20	NW NW	0.54	801	AABY	11
* 14 S	13 E	WM	24	NW SE	0.60	1103	CAMPBELL	11
14 S	13 E	WM	24	NW SE	3.00	1103	CAMPBELL	11
14 S	13 E	WM	25	SE NW	0.80	800	FARNSWORTH	11
* 14 S	13 E	WM	25	SE NW	1.10	800	FARNSWORTH	11
14 S	13 E	WM	34	SW NE	1.30	201	BATTY	11
16 S	14 E	WM	16	NE NW	1.50	101	ENGLAND	1
16 S	14 E	WM	16	NW NW	7.75	101	ENGLAND	1
16 S	14 E	WM	16	SW NW	6.97	101	ENGLAND	1
16 S	14 E	WM	16	SE NW	0.15	101	ENGLAND	1
<b>Total</b>					<b>37.72</b>			

\*Lands totaling 7.13 acres not involved in transfer due to non-use

**Transfer Review Criteria for Non-Use (ORS 540.572-540.580; OAR 690-358-5000 through 690-385-5800)**

16. COID is managed by a full-time manager. *ORS 540.572(1)(a) and OAR 690-385-5000(1).*
17. COID is implementing an approved water conservation plan. *ORS 540.572(1)(b) and OAR 690-385-5000(2).*
18. Transfer T-13341 involves the use of water on lands located within the boundaries of COID. *ORS 540.572(1) and OAR 690-385-5000(3).*
19. COID determined the users had not made beneficial use of water for four successive years as shown in Findings of Facts #1. *OAR 690-385-5000(4).*
20. Based on the evidence contained in the letters and required notices, water was not put to beneficial use on the authorized lands shown in Finding of Facts #11 and #14, above, during the 2015, 2016, 2017, 2018, and 2019 irrigation seasons. *OAR 690-385-5000(4).*
21. The authorized places of use are “no longer irrigated” as defined in ORS 540.572(7). Based on the evidence contained in the letters and required notices, water was not put to beneficial use on the authorized lands shown in Finding of Facts #11 and #14, above, during the 2015, 2016, 2017, 2018, and 2019 irrigation seasons.
22. The district provided notice to the users of their intent to transfer and provided opportunity to resolve the matter in the manner described by ORS 540.272 and OAR 690-385-5400 and 690-385-5600. *OAR 690-385-5000(5). [See Findings of Facts 1-4.]*
23. COID filed Transfer Application T-13341 prior to the end of the fifth year of non-use as required by OAR 690-385-5600(5).
24. Transfer application T-13341 meets the application standards of ORS 540.574 and OAR 690-385-5200.
25. The maps meet the standards of ORS 540.574(1) and OAR 690-385-5300.

26. The water rights are subject to transfer as defined in OAR 690-385-0100(17). *OAR 690-385-5600(1)*.
27. The proposed change in place of use will not result in enlargement of the rights as defined in OAR 690-385-0100(4). *OAR 690-385-5600(2)*.
28. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6). *OAR 690-385-5600(3)*.

***Transfer Review Criteria for Lands (7.13 acres) Transferred under ORS 540.580 and OAR 690-385-4000.***

29. The Department finds that the portion of the district permanent transfer application submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
30. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
31. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
32. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
33. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

**Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-13341 satisfy the requirements of ORS 540.572 to 540.580, OAR 690-385-4500, OAR 693-385-5000, and 690-385-5600.

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

1. The proposed changes in place of use to the water rights evidenced by Certificates 94956 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 94956 and 76714 and any related decree.
3. The place of use from which the water right is removed by T-13341 shall no longer be irrigated under the transferred right.
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, 2021**. 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 94956 and 76714 are modified. After satisfactory proof of completion has been determined by the Department, superseding confirming-remaining water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on                     MAY 05 2020                    



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date:                     MAY 07 2020