

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12374, Crook County) 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 the district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Applicant

LONE PINE IRRIGATION DISTRICT
P.O. BOX 564
TERREBONNE, OR 97760

Findings of Fact

1. On April 25, 2016, LONE PINE IRRIGATION DISTRICT filed an application to change the place of use under Certificates 72197 and 76714. The Department assigned the application number T-12374.

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

Certificate: 72197 in the name of CROOK COUNTY IMPROVEMENT DISTRICT #1
(confirmed by Deschutes River Decree)
Use: IRRIGATION OF 6.4 ACRES
Priority Date: OCTOBER 31, 1900
Rate: 0.079 CUBIC FOOT PER SECOND (cfs)
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, being:
April 1 to May 1 & Oct. 1 to Nov. 1 0.005 cfs
May 1 to May 15 & Sept. 15 to Oct. 1 0.006 cfs
May 15 to Sept. 15 0.007 cfs
as measured at the Lone Pine Weir, not to exceed 4.2 acre feet for each acre irrigated during the irrigation season.

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.

Source: DESCHUTES RIVER, tributary to 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° 45' WEST- 1056.8 FEET FROM THE EAST ¼ CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	4	NE NW	2.8
14 S	14 E	WM	4	SE NW	0.8
14 S	14 E	WM	7	SE NE	2.8
Total					6.4

3. 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 6.4 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.

Source: CRANE PRAIRIE RESERVOIR (CONSTRUCTED UNDER PERMIT R-1687), tributary to the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	8 E	WM	17	NE NE	CRANE PRAIRIE RESERVOIR DAM
17 S	12 E	WM	29	SE NE	COID NORTH CANAL: POD #11-850 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	Acres
14 S	14 E	WM	4	NE NW	2.8
14 S	14 E	WM	4	SE NW	0.8
14 S	14 E	WM	7	SE NE	2.8
Total					6.4

4. There is a scrivener's error on Certificate 76714 describing the location of the point of diversion referenced by COID NORTH CANAL; the location should be described as 850 feet north and 630 feet West from the North ¼ corner of section 29.
5. 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.

6. Temporary Transfer Application T-12374 proposes to temporarily change the place of use of the rights to:

PRIMARY IRRIGATION UNDER CERTIFICATE 72197 and SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 76714					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	14 E	WM	32	SE SE	4.6
14 S	14 E	WM	5	NE NE	1.2
14 S	14 E	WM	9	NW NW	0.6
Total:					6.4

7. Notice of the application for transfer was published on May 3, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notices.
8. Transfer Application T-12374 proposes to transfer water rights within the boundaries of Crook County Improvement District and Central Oregon Irrigation District. The districts were notified of the proposed temporary transfer and indicated that they did not object to the transfer.

Temporary Transfer Review Criteria

9. 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.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed change would not result in enlargement of the rights.
12. 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.

Conclusions of Law


The change in place of use proposed in Transfer Application T-12374 is consistent with the requirements of ORS 540.523 and OAR 690-385-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-12374 is approved.

2. The former place of use **shall not** be irrigated as part of these water rights during the 2016 irrigation season.
3. The Department finds the change does not cause injury to any existing water right.
4. The use of water authorized by this transfer shall be in accordance with the terms and conditions of Certificates 72197 and 76714.
5. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
6. The use of the remaining water rights described by Certificate 72197 and 76714 shall continue to be in accordance with the terms and conditions of Certificate 72197 and 76714.

Dated at Salem, Oregon this 27 day of May, 2016.



Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

JUN 02 2016

Mailing Date: _____