

**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-10036, Deschutes County) **APPROVING A 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

CENTRAL OREGON IRRIGATION DISTRICT
2598 NORTH HIGHWAY 97
REDMOND, OR 97756

Findings of Fact

1. On December 12, 2005, Central Oregon Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76358 and 76714. The Department assigned the application number T-10036.
2. Notice of the application for transfer was published 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: 76358, issued in the name of Central Oregon Irrigation District
Use: Irrigation
Priority Date: October 31, 1900 for 985.0 cubic feet per second (cfs), and December 2, 1907 for the balance allowed by decree
Rate & Duty: Maximum of 1/32.4 cfs per acre irrigated (May 15 to Sept. 15) & 9.91 acre-feet per acre per year (reflects a 45% transmission loss allowed by decree)
Source: Deschutes River, tributary to Columbia

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.

4. 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

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 Deschutes River

Authorized Place of Use:

AUTHORIZED PLACE OF USE – CERTIFICATES 76358 & 76714											
TWP	RNG		MER		SEC	1/4	1/4	TL	ACRES	USER	NOT#
15	S	12	E	W.M.	13	NW	NE	400	0.10	JOHNS, RICHARD	2005-041
15	S	12	E	W.M.	13	NE	NW	400	0.30	JOHNS, RICHARD	2005-041
17	S	12	E	W.M.	26	NE	NW	401	1.70	MAYBERRY GROUP	2005-039
17	S	12	E	W.M.	26	NE	NW	410	2.00	MAYBERRY GROUP	2005-039
18	S	12	E	W.M.	02	SW	SW	904	1.60	S&H ANDERSON	2005-039
18	S	12	E	W.M.	02	SW	SW	906	5.70	S&H ANDERSON	2005-039
18	S	12	E	W.M.	03	SE	NE	900	3.00	LAVA CREST DEVEL	2005-040
18	S	12	E	W.M.	08	NW	NW	706	1.00	COUGHLIN & HOLLOWAY LLC	2005-039
TOTAL									15.40		

5. Application T-10036 proposes to change the place of use to:

PROPOSED PLACE OF USE – CERTIFICATES 76358 & 76714											
TWP	RNG		MER		SEC	1/4	1/4	TL	ACRES	USER	NOT#
15	S	12	E	W.M.	13	NE	NW	400	0.40	JOHNS, RICHARD	2005-041
16	S	14	E	W.M.	08	NE	NE	108	5.70	JAMES, DONALD	2005-039
16	S	14	E	W.M.	08	NW	NE	108	0.20	JAMES, DONALD	2005-039
16	S	14	E	W.M.	08	SW	NE	108	5.40	JAMES, DONALD	2005-039
16	S	14	E	W.M.	08	SE	NE	108	0.70	JAMES, DONALD	2005-039
17	S	13	E	W.M.	33	SE	SW	1800	2.90	NEWTON, FRED	2005-040
17	S	13	E	W.M.	33	SE	SW	2300	0.10	NEWTON, FRED	2005-040
TOTAL:									15.40		

6. 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.

7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

8. The proposed change in place of use would not result in enlargement of the rights.

9. The proposed change 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-10036 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 76358 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 76358 and 76714 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change, as authorized by this final order, shall be completed within one full year from the approval date plus any additional time before or until October 1, 2007.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2008.
6. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 6th day of January, 2006.



Phillip C. Ward, Director

Date Mailed JAN 1 0 2006