

5. On April 5, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12818 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 7, 2018, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On May 2, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12818 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 8, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the first right to be transferred is as follows:

Certificate: 72279 in the name of NORTH UNIT IRRIGATION DISTRICT
(perfected under Permit S-23196)

Use: IRRIGATION of 295.4 ACRES

Priority Date: FEBRUARY 28, 1913

Rate: 6.52 CUBIC FEET PER SECOND

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 of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.25 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further subject to the terms and conditions of the State Engineer's Orders dated January 20, 1955 and February 4, 1955.

Source: DESCHUTES RIVER, WICKIUP RESERVOIR constructed under Permit R-1677, and HAYSTACK RESERVOIR constructed under Permit R-1754, tributaries of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	9 E	WM	7	SW NE	WICKIUP RESERVOIR
17 S	12 E	WM	29	SE NE	DESCHUTES RIVER - 1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Supplemental Information Tax Lot
9 S	14 E	WM	28	SW NW	0.2	401
9 S	14 E	WM	28	NW SW	1.8	
9 S	14 E	WM	28	SW SW	15.9	
9 S	14 E	WM	29	SE NE	4.2	501
9 S	14 E	WM	29	NE SE	7.6	
9 S	14 E	WM	29	SE SE	10.3	

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Supplemental Information Tax Lot
10 S	13 E	WM	23	NW NW	9.4	300
10 S	13 E	WM	23	SW NW	8.2	
10 S	13 E	WM	23	NE SW	1.3	
10 S	13 E	WM	23	NW SW	18.0	
10 S	13 E	WM	23	SE SW	15.0	
10 S	14 E	WM	5	NE SW	22.9	900
10 S	14 E	WM	5	NW SW	35.6	
10 S	14 E	WM	5	SE SW	9.5	1200
10 S	14 E	WM	8	NE NW	9.4	1100
10 S	14 E	WM	29	SW SE	6.7	1001
11 S	14 E	WM	29	SW NE	37.4	1800
11 S	14 E	WM	29	SE NE	19.2	
11 S	14 E	WM	29	SE NW	1.9	
11 S	14 E	WM	29	NE SW	0.6	
11 S	14 E	WM	29	NE SE	11.8	
11 S	14 E	WM	29	NW SE	25.1	
11 S	14 E	WM	31	NE NE	0.5	100
11 S	14 E	WM	31	SE NE	3.0	
11 S	14 E	WM	32	NW NW	3.6	1800
11 S	14 E	WM	32	SW NW	16.3	
TOTAL					295.4	

8. Transfer Application T-12818 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Supplemental Information Tax Lot
11 S	14 E	WM	28	SW NW	30.1	1800
11 S	14 E	WM	28	NW SW	30.9	
11 S	14 E	WM	28	SW SW	8.3	
11 S	14 E	WM	29	SW NE	30.0	
11 S	14 E	WM	29	SE NE	31.1	
11 S	14 E	WM	29	SW NW	0.1	
11 S	14 E	WM	29	SE NW	31.6	
11 S	14 E	WM	29	NE SW	32.8	
11 S	14 E	WM	29	NE SE	32.6	
11 S	14 E	WM	29	NW SE	30.3	
11 S	14 E	WM	31	SE NE	1.4	100
11 S	14 E	WM	32	NE NE	1.2	1800
11 S	14 E	WM	32	SW NW	5.5	
11 S	14 E	WM	33	NW NW	29.5	
TOTAL					295.4	

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

Certificate: 72281 in the name of NORTH UNIT IRRIGATION DISTRICT
(perfected under Permit S-25921)

Use: SUPPLEMENTAL IRRIGATION of 295.4 ACRES
Priority Date: JUNE 23, 1955
Rate: 1.19 CUBIC FEET PER SECOND
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 of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.
Source: CROOKED RIVER, tributary of the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE W1/4 CORNER OF SECTION 13

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Supplemental Information Tax Lot
9 S	14 E	WM	28	SW NW	0.2	401
9 S	14 E	WM	28	NW SW	1.8	
9 S	14 E	WM	28	SW SW	15.9	
9 S	14 E	WM	29	SE NE	4.2	501
9 S	14 E	WM	29	NE SE	7.6	
9 S	14 E	WM	29	SE SE	10.3	
10 S	13 E	WM	23	NW NW	9.4	300
10 S	13 E	WM	23	SW NW	8.2	
10 S	13 E	WM	23	NE SW	1.3	
10 S	13 E	WM	23	NW SW	18.0	
10 S	13 E	WM	23	SE SW	15.0	
10 S	14 E	WM	5	NE SW	22.9	900
10 S	14 E	WM	5	NW SW	35.6	1200
10 S	14 E	WM	5	SE SW	9.5	1100
10 S	14 E	WM	8	NE NW	9.4	1001
10 S	14 E	WM	29	SW SE	6.7	1800
11 S	14 E	WM	29	SW NE	37.4	
11 S	14 E	WM	29	SE NE	19.2	
11 S	14 E	WM	29	SE NW	1.9	
11 S	14 E	WM	29	NE SW	0.6	
11 S	14 E	WM	29	NE SE	11.8	
11 S	14 E	WM	29	NW SE	25.1	
11 S	14 E	WM	31	NE NE	0.5	100
11 S	14 E	WM	31	SE NE	3.0	1800
11 S	14 E	WM	32	NW NW	3.6	
11 S	14 E	WM	32	SW NW	16.3	
TOTAL					295.4	

10. Transfer Application T-12818 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Supplemental Information
						Tax Lot
11 S	14 E	WM	28	SW NW	30.1	1800
11 S	14 E	WM	28	NW SW	30.9	
11 S	14 E	WM	28	SW SW	8.3	
11 S	14 E	WM	29	SW NE	30.0	
11 S	14 E	WM	29	SE NE	31.1	
11 S	14 E	WM	29	SW NW	0.1	1800
11 S	14 E	WM	29	SE NW	31.6	
11 S	14 E	WM	29	NE SW	32.8	
11 S	14 E	WM	29	NE SE	32.6	
11 S	14 E	WM	29	NW SE	30.3	
11 S	14 E	WM	31	SE NE	1.4	100
11 S	14 E	WM	32	NE NE	1.2	1800
11 S	14 E	WM	32	SW NW	5.5	
11 S	14 E	WM	33	NW NW	29.5	
TOTAL					295.4	

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

Certificate: 75751 in the names of MAPLE LAKE LIVESTOCK CO. INC. AND NORTHWEST FARM CREDIT SERVICES, ACA
(perfected under Permit S-45102)

Use: IRRIGATION OF 172.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 398.6 ACRES

Priority Date: APRIL 17, 1980

Rate: 8.01 CUBIC FEET PER SECOND

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 ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the period from April 1 to September 30, and shall be further limited to a diversion of not to exceed 1.5 acre-feet per acre for each acre irrigated from October 1 to March 31, provided further that the right allowed herein shall not exceed 4.0 acre-feet for each acre irrigated in any one year. The use of water during the period from October 1 to March 31 as authorized herein shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses other than similar rights for irrigation from October 1 through March 31, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: WILLOW CREEK, tributary of DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	14 E	WM	31	SE NE	1440 FEET SOUTH AND 1080 FEET WEST FROM THE NE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	14 E	WM	28	SW NW	40.0
11 S	14 E	WM	28	NW SW	40.0
11 S	14 E	WM	28	SW SW	16.5
11 S	14 E	WM	29	SW NE	2.6
11 S	14 E	WM	29	SE NE	20.8
11 S	14 E	WM	29	NW NW	5.5
11 S	14 E	WM	29	SW NW	4.5
11 S	14 E	WM	29	SE NW	5.8
11 S	14 E	WM	29	NE SW	3.8
11 S	14 E	WM	29	NW SW	4.4
11 S	14 E	WM	29	SW SW	2.4
11 S	14 E	WM	29	NE SE	23.3
11 S	14 E	WM	29	NW SE	0.5
11 S	14 E	WM	29	SE SE	2.3
TOTAL					172.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	14 E	WM	29	SW NW	21.9
11 S	14 E	WM	29	SE NW	32.3
11 S	14 E	WM	29	NE SW	35.2
11 S	14 E	WM	29	NW SW	24.2
11 S	14 E	WM	29	SW SW	32.4
11 S	14 E	WM	29	SE SW	40.0
11 S	14 E	WM	29	NW SE	11.2
11 S	14 E	WM	29	SW SE	38.8
11 S	14 E	WM	29	SE SE	2.2
11 S	14 E	WM	31	NE NE	0.5
11 S	14 E	WM	31	SE NE	3.0
11 S	14 E	WM	32	NE NE	1.9
11 S	14 E	WM	32	NW NE	38.6
11 S	14 E	WM	32	SW NE	6.9
11 S	14 E	WM	32	NE NW	40.0
11 S	14 E	WM	32	NW NW	33.6
11 S	14 E	WM	32	SW NW	19.2
11 S	14 E	WM	32	SE NW	16.7
TOTAL					398.6

12. Transfer Application T-12818 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	14 E	WM	28	SW NW	7.7
11 S	14 E	WM	28	NW SW	8.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	14 E	WM	28	SW SW	12.0
11 S	14 E	WM	29	SW NE	8.0
11 S	14 E	WM	29	SE NE	7.0
11 S	14 E	WM	29	SW NW	38.8
11 S	14 E	WM	29	SE NW	6.6
11 S	14 E	WM	29	NE SW	3.3
11 S	14 E	WM	29	NW SW	35.5
11 S	14 E	WM	29	SE SW	0.1
11 S	14 E	WM	29	NE SE	0.3
11 S	14 E	WM	29	NW SE	5.7
11 S	14 E	WM	29	SW SE	8.8
11 S	14 E	WM	31	NE NE	2.4
11 S	14 E	WM	32	NE NE	1.0
11 S	14 E	WM	32	SE NE	3.4
11 S	14 E	WM	32	SW SW	14.1
11 S	14 E	WM	32	SE SW	9.7
TOTAL					172.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	14 E	WM	28	SW SW	1.9
11 S	14 E	WM	29	NW NW	9.3
11 S	14 E	WM	29	NE SW	2.9
11 S	14 E	WM	29	NW SW	1.1
11 S	14 E	WM	29	SW SW	27.8
11 S	14 E	WM	29	SE SW	38.5
11 S	14 E	WM	29	SW SE	26.5
11 S	14 E	WM	29	SE SE	33.9
11 S	14 E	WM	31	NE NE	0.1
11 S	14 E	WM	31	SE NE	7.1
11 S	14 E	WM	32	NE NE	35.3
11 S	14 E	WM	32	NW NE	31.4
11 S	14 E	WM	32	SW NE	29.6
11 S	14 E	WM	32	NE NW	37.0
11 S	14 E	WM	32	NW NW	26.1
11 S	14 E	WM	32	SW NW	20.4
11 S	14 E	WM	32	SE NW	37.2
11 S	14 E	WM	32	NW SE	30.5
11 S	14 E	WM	33	NW NW	2.0
TOTAL					398.6

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

Certificate: 90177 in the name of NORTH UNIT IRRIGATION DISTRICT
(perfected under Permit S-33954)
Use: IRRIGATION of 402.3 ACRES
Priority Date: SEPTEMBER 18, 1968
Rate: 9.27 CUBIC FEET PER SECOND

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 of ONE-FORTIETH of one cubic foot per second (or its equivalent), and 3.97 acre-feet for each acre irrigated during the irrigation season of each year. This right is further subject to the terms and conditions of: 1) a stipulation between the North Unit Irrigation District and the Oregon State Game Commission, recorded in Miscellaneous Records of the Water Resources Department at Volume 4, Page 2028; 2) the Interoffice Memo regarding North Unit Irrigation District Water Accounting dated July 12, 1996, recorded in Miscellaneous Records of the Water Resources Department at Volume 9, Pages 225-226, as modified by the Crooked River Minimum Flow Agreement; and 3) the agreement between North Unit Irrigation District and the Deschutes River Conservancy referred to as the Crooked River Minimum Flow Agreement, recorded in the Miscellaneous Records of the Water Resources Department at Volume 9, Pages 218-224.

Source: CROOKED RIVER, a tributary of the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE W1/4 CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
9 S	14 E	WM	28	SW NW	6.8	401
9 S	14 E	WM	28	NE SW	4.4	
9 S	14 E	WM	28	SW SW	4.6	
9 S	14 E	WM	28	SE SW	4.6	
10 S	13 E	WM	23	NW NW	3.2	300
10 S	13 E	WM	23	SW NW	3.2	300
11 S	14 E	WM	29	SW NW	22.3	1800
11 S	14 E	WM	29	SE NW	32.3	
11 S	14 E	WM	29	NE SW	35.2	
11 S	14 E	WM	29	NW SW	24.2	
11 S	14 E	WM	29	SW SW	32.4	
11 S	14 E	WM	29	SE SW	40.0	
11 S	14 E	WM	29	NW SE	11.2	
11 S	14 E	WM	29	SW SE	38.8	
11 S	14 E	WM	29	SE SE	2.2	
11 S	14 E	WM	32	NE NE	1.8	
11 S	14 E	WM	32	NW NE	38.6	
11 S	14 E	WM	32	SW NE	6.9	
11 S	14 E	WM	32	NE NW	40.0	
11 S	14 E	WM	32	NW NW	30.0	
11 S	14 E	WM	32	SW NW	2.9	
11 S	14 E	WM	32	SE NW	16.7	
TOTAL					402.3	

Transfer Application T-12818 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax lot
11 S	14 E	WM	28	SW SW	1.9	1800
11 S	14 E	WM	29	NW NW	9.3	1900
11 S	14 E	WM	29	NE SW	2.9	1800
11 S	14 E	WM	29	NW SW	1.1	
11 S	14 E	WM	29	SW SW	27.8	
11 S	14 E	WM	29	SE SW	38.5	
11 S	14 E	WM	29	SW SE	26.5	
11 S	14 E	WM	29	SE SE	33.9	1800
11 S	14 E	WM	31	NE NE	0.1	100
11 S	14 E	WM	31	SE NE	10.0	100
11 S	14 E	WM	32	NE NE	35.3	1800
11 S	14 E	WM	32	NW NE	31.4	
11 S	14 E	WM	32	SW NE	28.7	
11 S	14 E	WM	32	NE NW	37.0	
11 S	14 E	WM	32	NW NW	26.1	
11 S	14 E	WM	32	SW NW	22.1	
11 S	14 E	WM	32	SE NW	37.2	
11 S	14 E	WM	32	NW SE	30.5	
11 S	14 E	WM	33	NW NW	2.0	
TOTAL					402.3	

Transfer Review Criteria [OAR 690-380-4010(2)]

14. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12818.
16. The proposed changes would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights.
18. All other application requirements are met.

Conclusions of Law

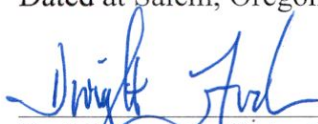
The change in place of use proposed in Transfer Application T-12818 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-12818 is 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 72279, 72281, 75751, and 90177 and any related decree.
3. Water right certificates 72279, 72281, and 90177 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.
4. Water right Certificate 75751 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.
5. The former place of use of the transferred rights shall no longer receive water under the rights.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
7. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued. Confirming Certificates will be issued in the name of North Unit Irrigation District for Certificates 72279, 72281, and 90177.

Dated at Salem, Oregon, JUN 21 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 22 2018