

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

In the Matter of Cancellation of Portions of)
Perfected and Developed Water Rights in)
the name of Central Oregon Irrigation) FINAL ORDER
District – Certificates 76358 and 76714)

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

Findings of Fact

1. On October 26, 2006, the Department received affidavits from the Central Oregon Irrigation District, 1055 SW Lake Court, Redmond, Oregon, 97756, stating the district has acquired interest in portions of the water rights evidenced by Certificates 76358 and 76714, State Record of Water Right Certificates. The affidavits further state a portion of the water right appurtenant to the property has been abandoned and request the certificates be canceled.
2. Pursuant to OAR 690-017-002(a), the Department has determined that the Central Oregon Irrigation District holds the interest, as established by water right conveyance agreement (Quitclaim Deed), to portions of the water rights evidenced by Certificates 76358 and 76714.
3. The water right evidenced by Certificate 76358 allows for the use of up to 985 cubic feet per second (cfs) of water from the Deschutes River under a priority date of October 1, 1900, and the balance allowed by decree under a priority date of December 2, 1907, for irrigation. The amount of water used for irrigation is limited to a rate not to exceed one cubic foot (cfs) of water for 32.4 acres and a total duty of 9.91 acre-feet per acre irrigated during the irrigation season of each year.
4. 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 and 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. The date of priority is February 28, 1913.
5. The portion of the water right evidenced by Certificate 76358 which has been abandoned is for the use of up to 0.07 cfs, not to exceed 22.79 acre-feet, for irrigation of 2.3 acres described as follows:

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.

CERTIFICATES 76358 (IR) & 76714 (IS)							
TWP	RNG	MER	SEC	1/4-1/4	DLC	LOT	ACRES
15 S	13 W	W.M.	8	NW SW			1.3
15 S	13 E	W.M.	17	NE NW			1.0
TOTAL:							2.3

IR means irrigation
IS means supplemental irrigation

- The portion of the water right evidenced by Certificate 76714 which has been abandoned is for the use of stored water for supplemental irrigation on the lands described in Finding of Fact #5. The abandoned portion of the water right no longer authorizes water to be applied at the place of described in Finding of Fact #5, but does not reduce the total quantity of water available for supplemental irrigation.

Conclusions of Law

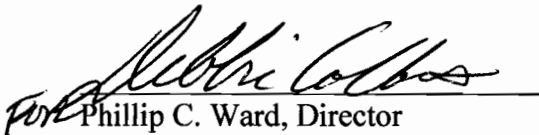
The Director of the Water Resources Department concludes portions of the water rights evidenced by Water Right Certificates 76358 and 76714 have been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

- The water rights appurtenant to the lands described in Findings of Fact #5 and #6 are canceled and the Department's records shall be modified accordingly.
- Certificate 76714 shall be modified to reflect the cancellation of 2.3 acres, as described in Finding of Fact #6, and the corresponding reduction in the number of acres of land to which stored water may be applied for supplemental irrigation under the secondary right to use stored water. However, the total quantity of stored water that can be diverted for supplemental irrigation under the secondary right to use stored water shall remain unchanged.
- The Department shall issue new water right certificates to supersede Certificates 76358 and 76714 on a determination that it is necessary to produce certificates to confirm portions of the rights not involved in this cancellation.

WITNESS the signature of the Water Resources Director, affixed

December 22, 2006


Phillip C. Ward, Director

Mailing Date DEC 26 2006