

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13554, Jefferson County) A DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 through 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

NORTH UNIT IRRIGATION DISTRICT
2024 NW BEECH STREET
MADRAS, OR 97741

Findings of Fact

1. On November 16, 2020, North Unit Irrigation District (NUID) filed a district transfer application to permanently change the places of use under Certificate 94079. The Department assigned the application number T-13554.
2. Notice of the District Permanent Transfer Application was published on November 24, 2020, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on November 24, 2020; no comments were received within 90 days of the notification.
4. The portion of the right to be transferred is as follows:
Certificate: 94079 in the name of NORTH UNIT IRRIGATION DISTRICT (perfected under Permit S-23196)
Use: IRRIGATION of 23.2 acres
Priority Date: FEBRUARY 28, 2013
Rate / 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-FORTHIETH of one cubic foot per second (or its equivalent) and 5.25

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

acre-feet per acre 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.

Sources: The DESCHUTES RIVER, WICKIUP RESERVOIR (constructed under Permit R-1677, and HAYSTACK RESERVOIR (constructed under Permit R-1754), tributaries to the COLUMBIA RIVER.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SENE	DESCHUTES RIVER: 1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
22 S	9 E	WM	7	SW NE	WICKIUP RESEVOIR – NONE GIVEN
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR – NONE GIVEN

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
11 S	13 E	WM	08	SW NW	39.4	300	DINKEL FAMILY FARMS LLC	2020- Oct
11 S	13 E	WM	08	NW SW	36.0	300	DINKEL FAMILY FARMS LLC	2020- Oct
TOTAL					75.4			

- Transfer Application T-13554 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
10 S	13 E	WM	05	NE SW	17.1	600	HETTERVIG	2020- Oct
10 S	13 E	WM	05	NW SW	36.1	600	HETTERVIG	2020- Oct
10 S	13 E	WM	05	SW SW	12.5	600	HETTERVIG	2020- Oct
10 S	13 E	WM	05	SE SW	9.7	600	HETTERVIG	2020- Oct
Total:					75.4			

- The Department finds that the district permanent transfer application was 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.
- The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
- The water right is subject to transfer as defined in OAR 690-385-0100(17).
- The proposed change in place of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
- The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).

11. 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-13554 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water right evidenced by Certificate 94079 is approved.
2. The place of use from which the water right is transferred off by Transfer T-113554 shall no longer be irrigated, and is cancelled from Certificate 94079.
3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificate 94079.
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, 2022**. A Claim of Beneficial Use shall be submitted by NUID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificate 94079 is modified. After satisfactory proof of completion has been determined by the Department, a superseding water right certificate will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on APR 07 2021


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

Mailing Date: APR 09 2021