

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-12550, Crook County) **A DISTRICT PERMANENT TRANSFER**
) **FOR PLACE OF USE**

Authority

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

OCHOCO IRRIGATION DISTRICT
1001 NW DEER STREET
PRINEVILLE, OR 97754

Findings of Fact

1. On December 30, 2016, OCHOCO Irrigation District (OID) filed a district transfer application to permanently change the place of use under Certificates 82246 and 82247. The Department assigned the application number T-12550.
2. Notice of the District Permanent Transfer Application was published on January 10, 2017, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
3. On April 27, 2017 OID submitted various corrections and clarifications for various tax lot number and quarter-quarter information.
4. The portion of the first right to be transferred is as follows:
Certificate: 82246 in the name of OCHOCO IRRIGATION DISTRICT (perfected under Permit S-5426)
Use: IRRIGATION of 6.5 acres
Priority Dates: MARCH 13, 1916 (McKay Creek), and AUGUST 10, 1917 (all other sources named on the water right)

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

This is an 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.

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).

ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Sources: The OCHOCO, MCKAY, DRY, LYTLE AND JOHNSON CREEKS, and ALL WASTE WATER AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS, and OCHOCHO RESERVOIR (constructed under Permit R-528), all tributary to the CROOKED RIVER.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL POD 1: 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	14	NE NW	2.7	400	ADAMS	2-16
14 S	16 E	WM	29	NW NW	1.0	811	CARPENTER	1-16
14 S	16 E	WM	29	NW NW	0.2	810	CARPENTER	1-16
14 S	16 E	WM	36	NE SE	0.3	100	BOLTON	6-16
14 S	16 E	WM	36	SE SE	2.1	100	BOLTON	6-16
15 S	16 E	WM	4	SE NW	0.2	304	ROWSE	7-16
Total:					6.5			

5. Transfer Application T-12550 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
14 S	15 E	WM	5	SE NW	1.2	200	DENNIS	1-16
14 S	15 E	WM	5	SE NW	2.7	200	DENNIS	2-16
14 S	16 E	WM	25	NE NE	0.7	100	DUNN	6-16
14 S	16 E	WM	25	NW NE	1.7	100	DUNN	6-16
15 S	16 E	WM	1	NE NE	0.2	100	WILSON	7-16
Total:					6.5			

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

Certificate: 82247 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-25991)

Use: IRRIGATION of 8.5 acres; SUPPLEMENTAL IRRIGATION of 3.9 acres

Priority Date: APRIL 8, 1914

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-FORTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Sources: CROOKED RIVER and PRINEVILLE RESERVOIR (constructed under Permit R-2223), tributary to the CROOKED RIVER

Authorized Points of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	15 S	15 E	WM	36	SW SE	60 FEET SOUTH AND 1940 FEET WEST FROM THE SE CORNER OF SECTION 36
3	15 S	16 E	WM	8	SW NW	1291 FEET NORTH AND 700 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8
4	15 S	16 E	WM	8	NW NW	140 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 8
5	15 S	16 E	WM	6	SE SE	100 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 6
6	15 S	16 E	WM	6	SE SE	560 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF SECTION 6
7	15 S	16 E	WM	6	SE SE	640 FEET NORTH AND 80 FEET WEST FROM THE SE CORNER OF SECTION 6
8	15 S	16 E	WM	6	SE SE	990 FEET NORTH AND 300 FEET WEST FROM THE SE CORNER OF SECTION 6
9	15 S	16 E	WM	6	NW SE	191 FEET SOUTH AND 1732 FEET WEST FROM THE E 1/4 CORNER OF SECTION 6
10	15 S	16 E	WM	6	SE NW	1540 FEET SOUTH AND 3165 FEET WEST FROM THE NE CORNER OF SECTION 6
11	15 S	16 E	WM	31	SW SW	990 FEET NORTH AND 75 FEET EAST FROM THE SE CORNER OF SECTION 31
12	14 S	15 E	WM	36	SE SE	1210 FEET NORTH AND 180 FEET WEST FROM THE SE CORNER OF SECTION 36
13	14 S	15 E	WM	36	NE SE	1260 FEET SOUTH AND 350 FEET WEST FROM THE E 1/4 CORNER OF SECTION 36
14	14 S	15 E	WM	36	NE SE	970 FEET SOUTH AND 680 FEET WEST FROM THE E 1/4 CORNER OF SECTION 36
15	14 S	15 E	WM	36	NE SE	680 FEET SOUTH AND 1230 FEET WEST FROM THE E 1/4 CORNER OF SECTION 6
16	14 S	15 E	WM	36	NE SE	540 FEET SOUTH AND 1260 FEET WEST FROM THE E 1/4 CORNER OF SECTION 36
17	14 S	15 E	WM	36	NE SE	290 FEET SOUTH AND 1320 FEET WEST FROM THE E 1/4 CORNER OF SECTION 36
18	14 S	15 E	WM	36	SW NE	110 FEET NORTH AND 1340 FEET WEST FROM THE E 1/4 CORNER OF SECTION 36
19	14 S	15 E	WM	36	SW NE	460 FEET NORTH AND 1520 FEET WEST FROM THE E 1/4 CORNER SECTION 36
20	14 S	15 E	WM	36	SW NE	700 FEET NORTH AND 2060 FEET WEST FROM THE E 1/4 CORNER OF SECTION 36
21	14 S	15 E	WM	36	NE NW	1150 FEET SOUTH AND 2250 FEET EAST FROM THE N 1/4 CORNER OF SECTION 36
22	14 S	15 E	WM	36	NE NW	950 FEET SOUTH AND 510 FEET WEST FROM THE N 1/4 CORNER OF SECTION 36
23	14 S	15 E	WM	36	NE NW	720 FEET SOUTH AND 740 FEET WESR FROM THE N 1/4 CORNER OF SECTION 36
24	14 S	15 E	WM	36	NE NW	640 FEET SOUTH AND 890 FEET WEST FROM THE N 1/4 CORNER OF SECTION 36
25	14 S	15 E	WM	36	NE NW	600 FEET SOUTH AND 1700 FEET EAST FROM THE NW CORNER OF SECTION 36
26	14 S	15 E	WM	36	NE NW	590 FEET SOUTH AND 1100 FEET WEST FROM THE N 1/4 CORNER OF SECTION 36
27	14 S	15 E	WM	36	NE NW	620 FEET SOUTH AND 1400 FEET EAST FROM THE NE CORNER OF SECTION 36

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28	14 S	15 E	WM	36	NW NW	630 FEET SOUTH AND 1280 FEET EAST FROM THE NW CORNER OF SECTION 36
29	14 S	15 E	WM	36	NW NW	700 FEET SOUTH AND 1140 FEET EAST FROM THE NW CORNER OF SECTION 36
30	14 S	15 E	WM	36	NW NW	770 FEET SOUTH AND 980 FEET EAST FROM THE NW CORNER OF SECTION 36
31	14 S	15 E	WM	36	NW NW	770 FEET SOUTH AND 980 FEET EAST FROM THE NW CORNER OF SECTION 36 – PORTABLE PUMP
32	14 S	15 E	WM	26	SE SE	100 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF SECTION 26
33	14 S	15 E	WM	21	SE SE	1060 FEET NORTH AND 80 FEET WEST FROM THE SE CORNER OF SECTION 21
34	14 S	15 E	WM	20	NW NW	940 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER OF SECTION 20
35	14 S	15 E	WM	19	NE NE	1050 FEET SOUTH AND 30 FEET WEST FROM THE NE CORNER OF SECTION 19
36	14 S	14 E	WM	24	SE NE	2630 FEET SOUTH AND 510 FEET WEST FROM THE NE CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
15	16 E	WM	9	SE NE	1.1	113	BREESE RANCH	3-16
15	16 E	WM	9	SE NE	0.6	115	BREESE RANCH	4-16
15	16 E	WM	9	SE NE	1.6	121	BREESE RANCH	4-16
15	16 E	WM	9	SE NE	1.7	114	BREESE RANCH	5-16
15	16 E	WM	9	SE NE	1.6	122	BREESE RANCH	5-16
15	16 E	WM	9	SE NE	1.9	123	BREESE RANCH	5-16
Total:					8.5			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	14	NE NW	2.7	400	ADAMS	2-16
14 S	16 E	WM	29	NW NW	1.0	811	CARPENTER	1-16
14 S	16 E	WM	29	NW NW	0.2	810	CARPENTER	1-16
Total:					3.9			

7. Transfer Application T-12550 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Glott	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	5	NE NW	3	1.1	200	DENNIS	3-16
14 S	15 E	WM	6	SE NE	--	5.2	200	GUTHRIE	5-16
15 S	16 E	WM	16	SW NE	--	2.2	814	WILKINSON	4-16
Total:						8.5			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	15 E	WM	5	SE NW	1.2	200	DENNIS	1-16
14 S	15 E	WM	5	SE NW	2.7	200	DENNIS	2-16
Total:					3.9			

8. The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 and contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.
9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed change in place of use will not result in enlargement of the rights.
11. The proposed change in place of use will not result in injury to other water rights.

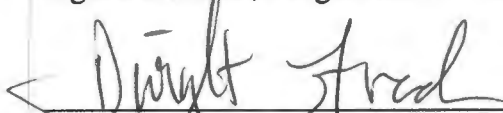
Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-12550 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 82246 and 82247 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described Certificates 82246 and 82247.
3. The former places of use shall no longer be irrigated as part of these water rights.
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, 2018**. A Claim of Beneficial Use shall be submitted by OID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 82246 and 82247 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 27th day of April 2017.



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

MAY 02 2017
 Mailing Date: _____