

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-10510, Deschutes County                    )     DISTRICT  
  )     PERMANENT TRANSFER

**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**

CENTRAL OREGON IRRIGATION DISTRICT  
1055 SW LAKE COURT  
REDMOND, OR 97756

**Findings of Fact**

1. On December 24, 2007, Central Oregon Irrigation District filed a district transfer application to permanently change the place of use under Certificates 83571 and 76714. The Department assigned the application number T-10510.
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. On September 16, 2008, Department staff spoke to representatives of Central Oregon Irrigation District and obtained clarifications related to the authorized and proposed place of use for Certificate 76714.
4. The portion of the primary right to be transferred is as follows:  
**Certificate:** 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT  
**Use:** IRRIGATION  
**Priority Date:** OCTOBER 31, 1900 and DECEMBER 2, 1907  
**Season of Use:** April 1 through October 31, further limited as follows:  
    April 1 through April 30 & October 1 through October 31 described herein as Season 1.  
    May 1 through May 14 & September 16 through September 30 described herein as Season 2.  
    May 15 through September 15 described herein as Season 3.

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.

**Maximum Quantity (Rate) that can be applied to an acre:**

Season 1: Limited to 1/80 cubic foot per second (CFS) per acre

Season 2: Limited to 1/60 CFS per acre

Season 3: Limited to 1/32.4 CFS per acre

**Maximum Duty that can be applied to an acre:**

Not to exceed 9.91 acre-feet (AF) per acre per year.

The above listed rates and duty reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

**Source:** Deschutes River, tributary to the Columbia River

**Authorized Points of Diversion:**

TWP	RNG	MER	SEC	Q-Q	Measured Distance
18S	11E	WM	13	SW NE	POD #1 (CENTRAL OREGON CANAL): 1520 FEET SOUTH AND 1535 FEET WEST OF THE NE CORNER OF SECTION 13
17S	12E	WM	29	SE NE	POD #11 (C.O.I.D. NORTH CANAL): 850 FEET NORTH AND 630 FEET WEST FROM THE E¼ CORNER OF SECTION 29

**Authorized Place of Use:**

TWP	RNG	MER	SEC	Q-Q	TAX LOT	ACRES	USER	NOTICE #	POD #
16 S	12 E	WM	1	SE NE	200	0.25	WALLACE, MARY SUE	T-2007-027	11
16 S	12 E	WM	1	NE SE	200	0.01	WALLACE, MARY SUE	T-2007-027	11
16 S	14 E	WM	8	SE SE	101	1.20	SCHINKEL FAMILY REVOCABLE LIVING TRUST	T-2007-034	1
16 S	14 E	WM	8	SE SE	101	0.40	SCHINKEL FAMILY REVOCABLE LIVING TRUST	T-2007-034	1
16 S	14 E	WM	16	NW SW	201	2.60	BOVEE, ALAN/MARGARET	T-2007-028	1
17 S	13 E	WM	33	SW NW	1106	0.15	WAITS, RONALD/MICHELLE	T-2007-026	1
17 S	14 E	WM	15	SE NE	500	0.35	BEAN, DARCY	T-2007-030	1
17 S	14 E	WM	22	NE SE	801	0.20	COID/QUITCLAIM	T-2007-029	1
17 S	14 E	WM	23	SW SE	1200	0.50	COID/QUITCLAIM	T-2007-029	1
18 S	12 E	WM	4	SE SW	600	0.30	COID/QUITCLAIM	T-2007-029	1
18 S	13 E	WM	6	NE NE	100	1.40	TUMA, BEN /SHELLEY	T-2007-023	1
<b>Total</b>						<b>7.36</b>			

4. Transfer Application T-10510 proposes to change the place of use to:

TWP	RNG	MER	SEC	Q-Q	TAX LOT	ACRES	USER	NOTICE #	POD #
15 S	14 E	WM	35	NW SW	400	2.60	POWELL BUTTE FARMERS CLUB, INC.	T-2007-028	1
16 S	12 E	WM	1	SE NE	200	0.01	WALLACE, MARY SUE	T-2007-027	11
16 S	12 E	WM	1	SE NE	200	0.25	WALLACE, MARY SUE	T-2007-027	11
16 S	14 E	WM	8	SE SE	101	1.20	SCHINKEL FAMILY REVOCABLE LIVING TRUST	T-2007-034	1
16 S	14 E	WM	17	NE NE	100	0.40	SCHINKEL FAMILY REVOCABLE TRUST	T-2007-034	1
17 S	12 E	WM	24	SE SE	1500	0.50	MONSON, ROBERT/ESTHER	T-2007-029	1
17 S	12 E	WM	24	SE SE	1500	0.20	MONSON, ROBERT/ESTHER	T-2007-029	1

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5. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #4), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #4), the portion of the right involved in this transfer would be limited as described in the tables below. These rates and duty are also the quantities by which Certificate 83571 shall be reduced are indicated in the tables below:

POINT OF DIVERSION (POD) NUMBER 1				
Priority Date	Season 1	Season 2	Season 3	Duty (AF)
October 31, 1900 (cfs)	0.088	0.118	0.156	70.05
December 2, 1907 (cfs)			0.062	

POINT OF DIVERSION (POD) NUMBER 11				
Priority Date	Season 1	Season 2	Season 3	Duty (AF)
October 31, 1900 (cfs)	0.003	0.004	0.006	2.57
December 2, 1907 (cfs)			0.002	

6. The season of use described in Certificate 83571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the irrigation season is:

**Season of Use:** April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein as Season 1.

May 1 through May 14 & September 15 through September 30 described herein as Season 2.

May 15 through September 14 described herein as Season 3.

7. The portion of the supplemental right to be transferred is as follows:

**Certificate:** 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

**Use:** SUPPLEMENTAL IRRIGATION

**Priority Date:** February 28, 1913

**Limit/Duty:** limited to 50,000 acre-feet of stored water only

**Source:** Crane Prairie Reservoir, constructed under Permit R-1687, a tributary of the Deschutes River

The water right evidenced by Certificate 76714 allows 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 any deficiency in supply of the live flow water right appurtenant to specified lands.

**Authorized Points of Diversion:**

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**Transfer Review Criteria (OAR 690-385-5000)**

16. 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.
17. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
18. The proposed change in place of use would not result in enlargement of the rights.
19. The proposed change in place of use would not result in injury to other water rights

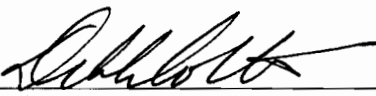
**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-10510 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 83571 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 83571 and 76714 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
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, 2009.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
6. Certificates 83571 and 76714 are hereby modified. The Department will issue superseding certificates describing the rights when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 16<sup>th</sup> day of September, 2008.

  
Phillip C. Ward, Director

Mailing Date: SEP 18 2008