OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13082, Deschutes 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

THREE SISTERS IRRIGATION DISTRICT PO BOX 2230 SISTERS, OR 97759

Findings of Fact

- On December 26, 2018, Three Sisters Irrigation District (TSID) filed a district transfer application to permanently change the places of use under Certificate 74135, Permit G-11378 and Permit S-29312. The Department assigned the application number T-13082.
- 2. Notice of the District Permanent Transfer Application was published on January 8, 2019, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 3. On March 13, 2019, TSID submitted maps and tables to include references to supplemental water right Permits G-11378 and S-29312, which were included in the Transfer T-13082.
- 4. The portion of the first right to be transferred is as follows:

Certificate: 74135 in the name of SQUAW CREEK IRRIGATION DISTRICT (confirmed by the

Whychus [Squaw] Creek decree)

Use: IRRIGATION of 50.85 acres

Priority Dates: 1895, 1899

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 ONE-FIFTIETH

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).

of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.

Sources: WHYCHUS [Squaw] CREEK, a tributary of the DESCHUTES RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
150	105	\A/D /I	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER
155	10E	WM	21	3VV 3VV	OF SECTION 21

Authorized Place of Use:

						IRRIG	ATION		
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1899	14 S	11 E	WM	30	SE SW	9.00	900	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NE NE	0.60	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NW NE	2.90	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	SW NE	1.10	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	SE NE	0.20	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NE NW	0.80	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NE SE	3.00	600	LAURIE ANN MCCALLUM TRUST	2018-02
1899	14 S	11 E	WM	31	NW SE	1.60	500 & 600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NW SE	2.00	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	15 S	11 E	WM	4	NW NW	0.38	202	ELWING	2018-01
1895	15 S	11 E	WM	7	NE NE	4.00	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NW NE	1.40	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SW NE	1.30	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SE NE	8.50	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NE NW	1.00	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NE NW	6.20	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NW NW	1.90	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SW NW	1.20	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SE NW	1.60	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SE NW	1.10	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 Ş	11 E	WM	7	SE NW	0.80	400	SISTERS VIEW RANCH LLC	2018-03
					Total:	50.58			

5. Transfer Application T-13082 proposes to change the place of use to:

Proposed Place of Use:

						IRRIG	ATION		
Priority	ority Twp Rng Mer S		Sec	Q-Q Acres		Tax Lot	Water User	Notice	
1895	14 S	11 E	WM	30	SE SW	9.00	900	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NW SE	1.60	500 & 600	LAURIE ANN MCCALLUM TRUST	2018-02
1899	14 S	12 E	WM	18	NW SE	10.60	1401	THALACKER	2018-02
1895	15 S	11 E	WM	4	NW NW	0.38	202	ELWING	2018-01
1895	15 S	11 E	WM	7	NE NE	1.20	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NW NE	6.30	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SW NE	2.80	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SW NE	1.30	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SE NE	5.10	300	SISTERS VIEW RANCH LLC	2018-03

	IRRIGATION													
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice					
1895	15 S	11 E	WM	7	NE NW	2.20	400	SISTERS VIEW RANCH LLC	2018-03					
1895	15 S	11 E	WM	7	SW NW	10.10	400	SISTERS VIEW RANCH LLC	2018-03					
					Total:	50.58								

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

Permit: G-11378 in the name of SQUAW CREEK IRRIGATION DISTRICT (Application G-10401)

Use: SUPPLEMENTAL IRRIGATION of 50.58 acres

Priority Date: OCTOBER 8, 1984

Rate / Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited

to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The right is limited to any deficiency I the available

supply of any prior right existing for the same land.

Source: TWO WELLS within the WHYCHUS CREEK BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 F	WM	14	NE SE	WELL 1: 10 FEET SOUTH AND 620 FEET WEST FROM THE
12.2	10 5	VVIVI	14	INE SE	EAST ¼ CORNER OF SECTION 14
15 S	10 F	WM	14	NW SE	WELL 2: 40 FEET SOUTH AND 1400 FEET WEST FROM THE
15.5	TOE WIN 14 NW SE		INVV SE	EAST ¼ CORNER OF SECTION 14	

Authorized Place of Use:

					SUPPLI	EMENT	AL IRRIGA	ATION	
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1899	14 S	11 E	WM	30	SE SW	9.00	900	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NE NE	0.60	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NW NE	2.90	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	SW NE	1.10	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	SE NE	0.20	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NE NW	0.80	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	14 S	11 E	WM	31	NE SE	3.00	600	LAURIE ANN MCCALLUM TRUST	2018-02
1899	14 S	11 E	WM	31	NW SE	1.60	500 &	LAURIE ANN MCCALLUM TRUST	2018-02
1055	143	11 [VVIVI	31	INVV JL	1.00	600	EAGNIE ANN MICCAELOW TROST	2016-02
1895	14 S	11 E	WM	31	NW SE	2.00	600	LAURIE ANN MCCALLUM TRUST	2018-02
1895	15 S	11 E	WM	4	NW NW	0.38	202	ELWING	2018-01
1895	15 S	11 E	WM	7	NE NE	4.00	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NW NE	1.40	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SW NE	1.30	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SE NE	8.50	300	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NE NW	1.00	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NE NW	6.20	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	NW NW	1.90	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SW NW	1.20	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SE NW	1.60	400	SISTERS VIEW RANCH LLC	2018-03
1895	15 S	11 E	WM	7	SE NW	1.10	400	SISTERS VIEW RANCH LLC	2018-03

	SUPPLEMENTAL IRRIGATION												
Priority Twp Rng Mer Sec Q-Q Acres Tax Lot Water User Noti													
1895	1895 15 S 11 E WM 7 SE NW 0.80 400 SISTERS VIEW RANCH LLC 2018-03												
					Total:	50.58							

7. Transfer Application T-13082 proposes to change the place of use to:

Proposed Place of Use:

	SUPPLEMENTAL IRRIGATION											
Priority	iority Twp Rng Mer Sec		Sec	Q-Q Acre		Tax Lot	Water User	Notice				
1895	14 S	11 E	WM	30	SE SW	9.00	900	LAURIE ANN MCCALLUM TRUST	2018-02			
1895	14 S	11 E	WM	31	NW SE	1.60	500 & 600	LAURIE ANN MCCALLUM TRUST	2018-02			
1899	14 S	12 E	WM	18	NW SE	10.60	1401	THALACKER	2018-02			
1895	15 S	11 E	WM	4	NW NW	0.38	202	ELWING	2018-01			
1895	15 S	11 E	WM	7	NE NE	1.20	300	SISTERS VIEW RANCH LLC	2018-03			
1895	15 S	11 E	WM	7	NW NE	6.30	300	SISTERS VIEW RANCH LLC	2018-03			
1895	15 S	11 E	WM	7	SW NE	2.80	300	SISTERS VIEW RANCH LLC	2018-03			
1895	15 S	11 E	WM	7	SW NE	1.30	300	SISTERS VIEW RANCH LLC	2018-03			
1895	15 S	11 E	WM	7	SE NE	5.10	300	SISTERS VIEW RANCH LLC	2018-03			
1895	15 S	11 E	WM	7	NE NW	2.20	400	SISTERS VIEW RANCH LLC	2018-03			
1895	15 S	11 E	WM	7	SW NW	10.10	400	SISTERS VIEW RANCH LLC	2018-03			
					Total:	50.58						

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

Permit: S-29312 in the name of SQUAW CREEK IRRIGATION DISTRICT (Application S-39486)

Use: SUPPLEMENTAL IRRIGATION of 38.98 acres

Priority Date: FEBRUARY 5, 1964

Rate / Duty: The amount used for irrigation shall be limited to a diversion of 4.5 acre-feet

for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein 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: WHYCHUS CREEK RESERVOIR, tributary to WHYCHUS CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	14	NE SE	1365 FEET NORTH FROM THE SE ¼ CORNER OF SECTION 14

Authorized Place of Use:

	SUPPLEMENTAL IRRIGATION													
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice						
14 S	11 E	WM	31	NE NE	0.60	600	LAURIE ANN MCCALLUM TRUST	2018-02						
14 S	11 E	WM	31	NW NE	2.90	600	LAURIE ANN MCCALLUM TRUST	2018-02						
14 S	11 E	WM	31	SW NE	1.10	600	LAURIE ANN MCCALLUM TRUST	2018-02						
14 S	11 E	WM	31	SE NE	0.20	600	LAURIE ANN MCCALLUM TRUST	2018-02						
14 S	11 E	WM	31	NE NW	0.80	600	LAURIE ANN MCCALLUM TRUST	2018-02						
14 S	11 E	WM	31	NE SE	3.00	600	LAURIE ANN MCCALLUM TRUST	2018-02						
14 S	11 E	WM	31	NW SE	2.00	600	LAURIE ANN MCCALLUM TRUST	2018-02						

				SU	JPPLEM	IENTAL IR	RIGATION	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
15 S	11 E	WM	4	NW NW	0.38	202	ELWING	2018-01
15 S	11 E	WM	7	NE NE	4.00	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	NW NE	1.40	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SW NE	1.30	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SE NE	8.50	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	NE NW	1.00	400	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	NE NW	6.20	400	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	NW NW	1.90	400	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SW NW	1.20	400	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SE NW	1.60	400	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SE NW	1.10	400	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SE NW	0.80	400	SISTERS VIEW RANCH LLC	2018-03
				Total	39.98			

9. Transfer Application T-13082 proposes to change the place of use to:

Proposed Place of Use:

- operation of the contract of								
SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
14 S	11 E	WM	30	SE SW	9.00	900	LAURIE ANN MCCALLUM TRUST	2018-02
14 S	11 E	WM	31	NW SE	1.60	500	LAURIE ANN MCCALLUM TRUST	2018-02
15 S	11 E	WM	4	NW NW	0.38	202	ELWING	2018-01
15 S	11 E	WM	7	NE NE	1.20	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	NW NE	6.30	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SW NE	2.80	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SW NE	1.30	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SE NE	5.10	300	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	NE NW	2.20	400	SISTERS VIEW RANCH LLC	2018-03
15 S	11 E	WM	7	SW NW	10.10	400	SISTERS VIEW RANCH LLC	2018-03
Total: 3								

- 10. 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 OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
- 11. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
- 12. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 13. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
- 14. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
- 15. 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-13082 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 rights evidenced by Certificate 74135, Permit G-11378, and Permit S-29312 are approved.
- 2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificate 74135, Permit G-11378, and Permit S-29312.
- 3. The places of use from which the water rights are removed by T-13082 shall no longer be irrigated under the transferred right.
- 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, 2020**. A Claim of Beneficial Use shall be submitted by TSID 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 74135, Permit G-11378, and Permit S-29312 are modified. After satisfactory proof of completion has been determined by the Department, a new water right certificate will be issued to supersede Certificate 74135 when the Department determines it is necessary for record keeping.

Signed at Salem, Oregon on	MAR 22 2019								
DANA AND									
Dwight French, Water Right Services Administrator for									
THOMAS M. BYLER, DIRECTOR									
Oregon Department of Water Re	esources								
Mailing Date: MAR 25 2019									