

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-12251, 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

ARNOLD IRRIGATION DISTRICT
19604 BUCK CANYON RD.
BEND, OR 97702

Findings of Fact

1. On January 19, 2016, Arnold Irrigation District (AID) filed a district transfer application to permanently change the place of use under Certificates 74197 and 76714. The Department assigned the application number T-12251.
2. Notice of the application for transfer was published on January 26, 2016, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 74197, issued in the name of Arnold Irrigation District (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)
Use: Irrigation of 19.22 acres
Priority Date: February 1, 1905 and April 25, 1905
Source: the Deschutes River, a tributary of the Columbia River
Rate: Limited to 150 cubic feet per second or its equivalent in case of rotation, measured at the points of diversion from the stream.
Source: Deschutes River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	POD	Measured Distance
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

This is a final 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.

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	11E	WM	23	SW NE	200	0.10	Perkins	T-2015-001-F-B
18S	12E	WM	12	NE SE	300	8.52	Crye	T-2015-003-F
18S	12E	WM	12	SE SE	300	1.51	Crye	T-2015-003-F
18S	12E	WM	21	SW NE	200	0.06	Burnett	T-2015-004-F
18S	12E	WM	21	NW SE	200	3.24	Burnett	T-2015-004-F
18S	12E	WM	24	SW SE	2300	0.50	Winger	T-2015-002-F
18S	12E	WM	25	SW NW	604	0.21	Kowalski	T-2015-001-F-A
18S	12E	WM	27	NE NW	1900	0.80	Pape Properties, Inc	T-2015-005-F-A
18S	12E	WM	27	NE NW	200	2.14	Pape Properties, Inc	T-2015-005-F-B
18S	12E	WM	27	SE NW	200	2.14	Pape Properties, Inc	T-2015-005-F-B
Total:						19.22		

3. Transfer Application T-12251 proposes to change the place of use to:

Proposed Place of Use

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	12E	WM	12	NE SE	300	7.50	Crye	T-2015-003-N
18S	12E	WM	12	NE SE	300	1.25	Crye	T-2015-003-N
18S	12E	WM	12	SE SE	300	1.03	Crye	T-2015-003-N
18S	12E	WM	12	SE SE	300	0.25	Crye	T-2015-003-N
18S	12E	WM	21	SW NE	200	0.08	Burnette	T-2015-004-N
18S	12E	WM	21	NW SE	200	2.72	Burnette	T-2015-004-N
18S	12E	WM	21	NW SE	200	0.50	Burnette	T-2015-004-N
18S	12E	WM	24	SW SE	2300	0.50	Winger	T-2015-002-N
18S	12E	WM	25	SW NW	604	0.31	Kowalski	T-2015-001-N
18S	12E	WM	27	NE NW	200	1.49	Pape Properties, Inc	T-2015-005-N
18S	12E	WM	27	SE NW	200	3.59	Pape Properties, Inc	T-2015-005-N
Total:						19.22		

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

Certificate: 76714, issued in the names of Central Oregon Irrigation District, Arnold Irrigation District and Crook County Improvement District (perfected under Permit S-23256)

Use: Supplemental Irrigation of 19.22 acres.

Priority Date: February 28, 1913

Rate & Duty: The right is limited to a total of 50,000 acre-feet of stored water

Source: Crane Prairie Reservoir, tributary to the Deschutes River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	POD	Measured Distance
18S	11E	WM	27	NE SW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	11E	WM	23	SW NE	200	0.10	Perkins	T-2015-001-F-B
18S	11E	WM	12	NE SE	300	8.52	Crye	T-2015-003-F
18S	11E	WM	12	SE SE	300	1.51	Crye	T-2015-003-F
18S	11E	WM	21	SW NE	200	0.06	Burnett	T-2015-004-F
18S	11E	WM	21	NW SE	200	3.24	Burnett	T-2015-004-F
18S	11E	WM	24	SW SE	2300	0.50	Wininger	T-2015-002-F
18S	11E	WM	25	SW NW	604	0.21	Kowalski	T-2015-001-F-A
18S	11E	WM	27	NE NW	1900	0.80	Pape Properties,	T-2015-005-F-A
18S	11E	WM	27	NE NW	200	2.14	Pape Properties,	T-2015-005-F-B
18S	11E	WM	27	SE NW	200	2.14	Pape Properties,	T-2015-005-F-B
Total						19.22		

6. Transfer Application T-12251 proposes to change the place of use to:

Proposed Place of Use

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
18S	11E	WM	12	NE SE	300	7.50	Crye	T-2015-003-N
18S	12E	WM	12	NE SE	300	1.25	Crye	T-2015-003-N
18S	12E	WM	12	SE SE	300	1.03	Crye	T-2015-003-N
18S	12E	WM	12	SE SE	300	0.25	Crye	T-2015-003-N
18S	12E	WM	21	SW NE	200	0.08	Burnette	T-2015-004-N
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18S	12E	WM	27	NE NW	200	1.49	Pape Properties,	T-2015-005-N
18S	13E	WM	27	SE NW	200	3.59	Pape Properties,	T-2015-005-N
Total						19.22		

7. 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.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed changes in place of use would not result in enlargement of the rights.
10. The proposed changes 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-12251 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 74197 and 76714 are approved.

2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 74197 and 76714 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use shall be submitted by Arnold Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. Certificates 74197 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 22 day of February, 2016.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: FEB 29 2016