

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

In the Matter of Transfer Application                    ) FINAL ORDER APPROVING A  
T-12236, Jefferson 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**

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

**Findings of Fact**

1. On December 22, 2014, North Unit Irrigation District filed a district transfer application to permanently change the place of use under Certificates 72279, 72281 and 90177. The Department assigned the application number T-12236.

2. Notice of the application for transfer was published on January 6, 2015, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.

3. The first right to be transferred are as follows:

**Certificate:** 72279, issued in the name of North Unit Irrigation District.(perfected under S-23196)

**Use:** Irrigation of 10.0 acres

**Priority Date:** February 28, 1913.

**Duty and Limit:** 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 1/40<sup>th</sup> of one cubic foot per second (or its equivalent) and 5.25 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.

**Source:** Deschutes River, Wickiup Reservoir, and Haystack Reservoir, tributaries of the Columbia River.

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 Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	13 E	WM	27	SW NE	NONE GIVEN
17 S	12 E	WM	29	SE NE	1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
22 S	9 E	WM	7	SW NE	NONE GIVEN

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
11 S	13 E	WM	34	SE SW	400	0.70	LISH	15-01
11 S	13 E	WM	1	NE NE	101	0.60	DWY	15-02
10 S	14 E	WM	31	SW SE	2402	2.40	BAGGETT	15-04
10 S	13 E	WM	2	NW SW	800	2.20	BOYLE	15-06
10 S	13 E	WM	2	NE SW	800	1.00	BOYLE	15-06
10 S	13 E	WM	2	SW SW	900	0.40	BOYLE	15-07
10 S	13 E	WM	2	SW SW	900	0.30	BOYLE	15-08
10 S	13 E	WM	2	SE SW	900	0.50	BOYLE	15-08
10 S	13 E	WM	2	SW SW	900	1.10	BOYLE	15-09
11 S	13 E	WM	1	SW NW	900	0.60	WOLFE	15-10
11 S	13 E	WM	1	SE NW	3400	0.20	KOOLHAAS	15-11
<b>Total:</b>						<b>10.00</b>		

4. Transfer Application T-12236 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
11 S	13 E	WM	1	NE NE	1000	0.70	DWY	15-01
11 S	13 E	WM	1	NE NE	101	0.10	DWY	15-02
11 S	13 E	WM	1	NE NE	1000	0.50	DWY	15-02
10 S	13 E	WM	33	SW NE	200	2.40	BAGGETT	15-04
10 S	13 E	WM	2	NW SW	800	1.30	BOYLE	15-06
10 S	13 E	WM	2	NE SW	800	1.90	BOYLE	15-06
10 S	13 E	WM	2	NE SW	800	0.40	BOYLE	15-07
10 S	13 E	WM	2	SE SW	900	0.80	BOYLE	15-08
9 S	13 E	WM	33	SW SW	500	1.10	BOYLE	15-09
11 S	13 E	WM	25	SW SW	301	0.60	KOOLHAAS	15-10
11 S	13 E	WM	25	SW SW	301	0.20	KOOLHAAS	15-11
<b>Total:</b>						<b>10.00</b>		

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

**Certificate:** 72281, issued in the name of North Unit Irrigation District (perfected under S-25921)

**Use:** Supplemental Irrigation of 10.0 acres

**Priority Date:** June 23, 1955.

**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) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** Crooked River, a tributary of the Deschutes River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 13

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
11 S	13 E	WM	34	SE SW	400	0.70	LISH	15-01
11 S	13 E	WM	1	NE NE	101	0.60	DWY	15-02
10 S	14 E	WM	31	SW SE	2402	2.40	BAGGETT	15-04
10 S	13 E	WM	2	NW SW	800	2.20	BOYLE	15-06
10 S	13 E	WM	2	NE SW	800	1.00	BOYLE	15-06
10 S	13 E	WM	2	SW SW	900	0.40	BOYLE	15-07
10 S	13 E	WM	2	SW SW	900	0.30	BOYLE	15-08
10 S	13 E	WM	2	SE SW	900	0.50	BOYLE	15-08
10 S	13 E	WM	2	SW SW	900	1.10	BOYLE	15-09
11 S	13 E	WM	1	SW NW	900	0.60	WOLFE	15-10
11 S	13 E	WM	1	SE NW	3400	0.20	KOOLHAAS	15-11
<b>Total:</b>						<b>10.00</b>		

6. Transfer Application T-12236 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
11 S	13 E	WM	1	NE NE	1000	0.70	DWY	15-01
11 S	13 E	WM	1	NE NE	101	0.10	DWY	15-02
11 S	13 E	WM	1	NE NE	1000	0.50	DWY	15-02
10 S	13 E	WM	33	SW NE	200	2.40	BAGGETT	15-04
10 S	13 E	WM	2	NW SW	800	1.30	BOYLE	15-06
10 S	13 E	WM	2	NE SW	800	1.90	BOYLE	15-06
10 S	13 E	WM	2	NE SW	800	0.40	BOYLE	15-07
10 S	13 E	WM	2	SE SW	900	0.80	BOYLE	15-08
9 S	13 E	WM	33	SW SW	500	1.10	BOYLE	15-09
11 S	13 E	WM	25	SW SW	301	0.60	KOOLHAAS	15-10
11 S	13 E	WM	25	SW SW	301	0.20	KOOLHAAS	15-11
<b>Total:</b>						<b>10.00</b>		

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

**Certificate:** 90177, issued in the name of North Unit Irrigation District. (perfected under S-33954)

**Use:** Irrigation of 2.7 acres

**Priority Date:** September 18, 1968.

**Rate & Duty:** The amount 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) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year and is further subject to the terms and conditions of a stipulation between the North Unit Irrigation District and the Oregon State Game Commission which has been recorded in the Miscellaneous Records of the Water Resource Director.

**Source:** Crooked River, a tributary of the Deschutes River.

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 13

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
11 S	13 E	WM	28	SE NW	501	0.60	VANEK	15-05
11 S	13 E	WM	28	NE SW	501	0.30	VANEK	15-05
11 S	13 E	WM	28	SE SW	501	0.10	VANEK	15-05
11 S	13 E	WM	25	NW SW	301	0.40	KOOLHAAS	15-12
11 S	13 E	WM	25	SW SW	301	1.30	KOOLHAAS	15-12
<b>Total:</b>						<b>2.70</b>		

8. Transfer Application T-12236 proposes to change the place of use for the above described rights to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
10 S	14 E	WM	30	NW SE	1003	1.00	DOWNING	15-05
11 S	13 E	WM	25	SW SW	301	1.70	KOOLHAAS	15-12
<b>Total:</b>						<b>2.70</b>		

9. 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.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed changes in place of use would not result in enlargement of the rights.
12. The proposed changes in place of use would not result in injury to other rights.

**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-12236 satisfy the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

1. The proposed changes to the District’s existing water right Certificates 72279, 72281, and 90177 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 the District’s water rights or any related decree.
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, 2017**. A Claim of Beneficial Use shall be submitted to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Certificates 72279, 72281 and 90177 are modified. The Department will issue a superseding certificate on a determination that it is necessary to produce a certificate describing the right

Dated at Salem, Oregon this 16 day of February, 2016.

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

Mailing Date: MAR 02 2016