

BEFORE THE WATER RESOURCES DEPARTMENT

**OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11200, Deschutes County) DISTRICT PERMANENT TRANSFER

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
PO BOX 9220
BEND, OR 97708

Findings of Fact

1. On February 18, 2011, Arnold Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74197 and 76714. The Department assigned the application number T-11200.
2. Notice of the application for transfer was published on February 22, 2011, 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
Use: Irrigation (IR) of 177.21 acres and 10.74 acre-equivalent of pond maintenance
Priority Date: February 1, 1905; April 25, 1905
Rate & Duty: Limited to not more than the rate specified by source and a total diversion not to exceed 125.0 cfs from all sources. Maximum of 15.42 acre feet for each acre irrigated during the irrigation season of each year.
Source: Deschutes River, tributary to Columbia River
4. The portion of the second right to be transferred is as follows:
Certificate: 76714, issued in the name of Central Oregon Irrigation District

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.

Use: Supplemental Irrigation (IS) of 177.21 acres and 10.74 acre-equivalent of pond maintenance.

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 Deschutes River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	POD#	MEASURED DISTANCE
18S	11E	W.M.	27	NESW	1	ARNOLD CANAL - 2800 FEET SOUTH AND 3740 FEET WEST FROM NE CORNER OF SECTION 27

Authorized Place of Use:

CERTIFICATES 74197 (IR) and 76714 (IS)								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice #
18 S	11 E	WM	13	NE SW	0.23	1300	THOMPSON	2010-001-F-M
18 S	11 E	WM	13	NW SE	15.34	2402	THOMPSON	2010-001-F-N
18 S	11 E	WM	13	NE SE	7.96	2402	THOMPSON	2010-001-F-O
18 S	11 E	WM	13	SW SE	2.61	2402	THOMPSON	2010-001-F-Q
18 S	11 E	WM	13	SE SE	21.27	2402	THOMPSON	2010-001-F-P
18 S	12 E	WM	8	SE NW	1.00	2500	MCCULLOUGH	2010-001-F-K
18 S	12 E	WM	8	SW SE	1.10	1404	FRAZIER	2010-001-F-J
18 S	12 E	WM	9	SW NW	3.50	1100	STEVENS	2010-001-F-F
18 S	12 E	WM	9	SW NW	0.50	900	BARROWS	2010-001-F-G
18 S	12 E	WM	15	SE NW	2.00	1001	MADRIGAL	2010-001-F-A
18 S	12 E	WM	17	NW SW	3.00	1800	ODOT	2010-001-F-C
18 S	12 E	WM	17	SW SW	4.55	2000	UMPQUA BANK	2010-001-F-D
18 S	12 E	WM	18	SE SE	0.85	2000	UMPQUA BANK	2010-001-F-E
18 S	12 E	WM	17	SW SE	1.37	100	J. L. WARD CO.	2010-001-F-R
18 S	12 E	WM	17	SE SE	3.69	100	J. L. WARD CO	2010-001-F-S
18 S	12 E	WM	19	SE NE	2.84	4404	J. L. WARD CO	2010-001-F-U
18 S	12 E	WM	19	NE SE	8.11	4404	J. L. WARD CO	2010-001-F-V
18 S	12 E	WM	19	SW SE	5.73	4404	J. L. WARD CO	2010-001-F-W
18 S	12 E	WM	19	SE SE	7.90	4404	J. L. WARD CO	2010-001-F-Y
18 S	12 E	WM	20	NE NE	8.44	100	J. L. WARD CO.	2010-001-F-OO
18 S	12 E	WM	20	NW NE	6.71	100	J. L. WARD CO	2010-001-F-MM
18 S	12 E	WM	20	NW NE	0.47	300	J. L. WARD CO	2010-001-F-NN
18 S	12 E	WM	20	SW NE	0.18	300	J. L. WARD CO	2010-001-F-QQ
18 S	12 E	WM	20	SW NE	7.87	100	J. L. WARD CO	2010-001-F-SS
18 S	12 E	WM	20	SE NE	1.80	400	J. L. WARD CO	2010-001-F-TT
18 S	12 E	WM	20	SE NE	2.42	100	J. L. WARD CO	2010-001-F-UU
18 S	12 E	WM	20	SE NE	2.66	4404	J. L. WARD CO	2010-001-F-VV
18 S	12 E	WM	20	NE NW	7.71	300	J. L. WARD CO.	2010-001-F-CC
18 S	12 E	WM	20	NW NW	0.02	4404	J. L. WARD CO	2010-001-F-AA
18 S	12 E	WM	20	NW NW	0.63	300	J. L. WARD CO	2010-001-F-BB
18 S	12 E	WM	20	SW NW	0.02	300	J. L. WARD CO	2010-001-F-DD
18 S	12 E	WM	20	SW NW	13.54	4404	J. L. WARD CO	2010-001-F-EE
18 S	12 E	WM	20	SE NW	4.07	300	J. L. WARD CO	2010-001-F-GG
18 S	12 E	WM	20	SE NW	0.07	098	J. L. WARD CO	2010-001-F-HH

CERTIFICATES 74197 (IR) and 76714 (IS)								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice #
18 S	12 E	WM	20	SE NW	3.50	300	J. L. WARD CO.	2010-001-F-II
18 S	12 E	WM	20	SE NW	0.58	100	J. L. WARD CO	2010-001-F-JJ
18 S	12 E	WM	20	SE NW	2.21	4404	J. L. WARD CO	2010-001-F-KK
18 S	12 E	WM	25	NE NW	1.00	901	LOSEY	2010-001-F-B
18 S	12 E	WM	30	NE NE	1.26	4404	J. L. WARD CO	2010-001-F-YY
18 S	12 E	WM	30	NW NE	13.93	4404	J. L. WARD CO	2010-001-F-WW
18 S	13 E	WM	19	NE NW	1.32	200	HUGHES	2010-001-F-L
18 S	13 E	WM	20	SW NE	0.35	600	DOWNING	2010-001-F-H
18 S	13 E	WM	20	SW NW	2.90	300	DOWNING	2010-001-F-I
Total:					177.21			

CERTIFICATES 74197 and 76714 POND MAINTENANCE								
Twp	Rng	Mer	Sec	Q-Q	Acre-equivalent	Tax Lot	User	Notice #
18 S	12 E	WM	17	SE SE	0.50	100	J. L. WARD CO	2010-001-F-T
18 S	12 E	WM	19	SE SE	1.32	4404	J. L. WARD CO	2010-001-F-X
18 S	12 E	WM	20	NE NE	0.16	100	J. L. WARD CO	2010-001-F-PP
18 S	12 E	WM	20	NW NE	0.25	100	J. L. WARD CO	2010-001-F-LL
18 S	12 E	WM	20	SW NE	3.00	100	J. L. WARD CO	2010-001-F-RR
18 S	12 E	WM	20	NW NW	0.32	4404	J. L. WARD CO	2010-001-F-Z
18 S	12 E	WM	20	SW NW	1.11	4404	J. L. WARD CO	2010-001-F-FF
18 S	12 E	WM	30	NW NE	4.08	4404	J. L. WARD CO	2010-001-F-XX
Total:					10.74			

3. Transfer Application T-11200 proposes to change the place of use to:
Proposed Place of Use

CERTIFICATES 74197 (IR) and 76714 (IS)								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice #
18 S	12 E	WM	17	SW SE	1.16	100	J. L. WARD CO	2010-001-N-A
18 S	12 E	WM	17	SE SE	3.50	100	J. L. WARD CO	2010-001-N-B
18 S	12 E	WM	19	SE NE	2.73	4404	J. L. WARD CO	2010-001-N-C
18 S	12 E	WM	19	NE SE	7.85	4404	J. L. WARD CO	2010-001-N-D
18 S	12 E	WM	19	SW SE	5.51	4404	J. L. WARD CO	2010-001-N-E
18 S	12 E	WM	19	SE SE	19.01	4404	J. L. WARD CO	2010-001-N-F
18 S	12 E	WM	20	NE NE	8.40	100	J. L. WARD CO	2010-001-N-L
18 S	12 E	WM	20	NW NE	7.38	100	J. L. WARD CO	2010-001-N-K
18 S	12 E	WM	20	NW NE	0.46	300	J. L. WARD CO	2010-001-N-K
18 S	12 E	WM	20	SW NE	6.69	100	J. L. WARD CO	2010-001-N-M
18 S	12 E	WM	20	SW NE	0.01	300	J. L. WARD CO	2010-001-N-M
18 S	12 E	WM	20	SE NE	1.30	100	J. L. WARD CO	2010-001-N-N
18 S	12 E	WM	20	SE NE	1.70	400	J. L. WARD CO	2010-001-N-N
18 S	12 E	WM	20	SE NE	0.10	196	J. L. WARD CO	2010-001-N-N
18 S	12 E	WM	20	NW NW	0.05	4404	J. L. WARD CO	2010-001-N-G
18 S	12 E	WM	20	NE NW	3.92	300	J. L. WARD CO	2010-001-N-H

CERTIFICATES 74197 (IR) and 76714 (IS)								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice #
18 S	12 E	WM	20	SW NW	13.25	4404	J. L. WARD CO	2010-001-N-I
18 S	12 E	WM	20	SE NW	2.14	4404	J. L. WARD CO	2010-001-N-J
18 S	12 E	WM	20	SE NW	2.76	300	J. L. WARD CO	2010-001-N-J
18 S	12 E	WM	20	SE NW	0.06	400	J. L. WARD CO	2010-001-N-J
18 S	12 E	WM	20	SE NW	0.35	100	J. L. WARD CO	2010-001-N-J
18 S	12 E	WM	20	NE SW	27.63	4404	J. L. WARD CO	2010-001-N-P
18 S	12 E	WM	20	NW SW	16.96	4404	J. L. WARD CO	2010-001-N-O
18 S	12 E	WM	20	SW SW	18.86	4404	J. L. WARD CO	2010-001-N-Q
18 S	12 E	WM	20	SE SW	0.25	4404	J. L. WARD CO	2010-001-N-R
18 S	12 E	WM	20	NW SE	2.48	4404	J. L. WARD CO	2010-001-N-S
18 S	12 E	WM	30	NE NE	8.40	4404	J. L. WARD CO	2010-001-N-U
18 S	12 E	WM	30	NW NE	14.30	4404	J. L. WARD CO	2010-001-N-T
Total:					177.21			

CERTIFICATES 74197 and 76714 POND MAINTENANCE								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice #
18 S	12 E	WM	17	SE SE	0.47	100	J. L. WARD CO	2010-001-N-B
18 S	12 E	WM	19	SW SE	1.27	4404	J. L. WARD CO	2010-001-N-E
18 S	12 E	WM	19	SE SE	1.32	4404	J. L. WARD CO	2010-001-N-F
18 S	12 E	WM	20	NE NE	0.16	100	J. L. WARD CO	2010-001-N-L
18 S	12 E	WM	20	NW NE	0.12	100	J. L. WARD CO	2010-001-N-K
18 S	12 E	WM	20	NW NW	0.32	4404	J. L. WARD CO	2010-001-N-G
18 S	12 E	WM	20	SW NW	4.50	4404	J. L. WARD CO	2010-001-N-I
18 S	12 E	WM	30	NE NE	0.30	4404	J. L. WARD CO	2010-001-N-U
18 S	12 E	WM	30	NW NE	2.28	4404	J. L. WARD CO	2010-001-N-T
Total:					10.74			

5. 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.
6. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed changes in place of use would not result in enlargement of the rights.
8. 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-11200 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 this water right.
4. The proposed changes shall be completed on or before October 1, 2012.
6. A Claim of Beneficial Use and Final Proof Map shall be submitted by the applicant to the Department by October 1, 2013.
7. 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 March, 2011.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: MAR 24 2011