

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

In the Matter of Instream Transfer) CORRECTING FINAL ORDER
Application T-10845 and Mitigation Credit)
Project MP-129, Crook and Deschutes)
Counties)

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY	CENTRAL OREGON IRRIGATION DISTRICT
P.O. BOX 1560	1055 SW LAKE COURT
BEND OR 97709	REDMOND, OR 97756

Findings of Fact

Background

1. On April 8, 2009, Central Oregon Irrigation District (COID) and the Deschutes River Conservancy (DRC) filed an application to change the place of use and character of use under Certificate 83571 to instream use and to generate mitigation credits in the Deschutes Groundwater Study Area. The Department assigned the application number T-10845. The Department also assigned the Mitigation Credit Project number MP-129.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

2. On January 27, 2012, the Department issued an order approving T-10845 and MP-129, as evidenced by Special Order Volume 85, Pages 998 through 1011.
3. Following issuance of the order, the Department identified a scrivener's error in the instream Certificate (86217) issued under Conserved Water Application CW-61. This scrivener's error affected subsequent transactions on Certificate 83571. The Department has identified that the order issued approving T-10845 incorrectly describes the quantities of water by which this right is reduced as a result of this transfer at Point of Diversion #11 (the North Canal Dam). The quantities were incorrectly identified as:

Priority Date	Season 1	Season 2	Season 3	Duty
Irrigation Use				
October 31, 1900	1.194 CFS	1.592 CFS	2.104 CFS	946.28 AF
December 2, 1907			0.843 CFS	
Pond Maintenance Use				
October 31, 1900	0.012 CFS	0.016 CFS	0.021 CFS	9.39 AF
December 2, 1907			0.008 CFS	
Totals				
October 31, 1900	1.206 CFS	1.608 CFS	2.125 CFS	955.67 AF
December 2, 1907			0.851 CFS	

4. The correct quantities by which this right is to be reduced at Point of Diversion #11 are:

Priority Date	Season 1	Season 2	Season 3	Duty
Irrigation Use				
October 31, 1900	1.093 CFS	1.490 CFS	2.032 CFS	903.35 AF
December 2, 1907			0.814 CFS	
Pond Maintenance Use				
October 31, 1900	0.011 CFS	0.015 CFS	0.020 CFS	8.96 AF
December 2, 1907			0.008 CFS	
Totals				
October 31, 1900	1.104 CFS	1.505 CFS	2.052 CFS	912.31 AF
December 2, 1907			0.822 CFS	

Now, therefore, it is ORDERED:

1. The order approving T-10845 and MP-129 as recorded at Special Order Volume 85, Pages 998 through 1011 is corrected to describe the correct quantities by which Certificate 83571 is reduced at Point of Diversion #11 (the North Canal Dam) as a result of this instream transfer and mitigation credit project.
2. All other provisions of Special Order Volume 85, Pages 998 through 1011 remain in effect.

Dated at Salem, Oregon this 15 day of January, 2013.


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

Mailing date: JAN 16 2013