

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11424, Crook County) TEMPORARY CHANGE IN PLACE OF
) USE

Authority

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion 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.

Applicant

CHARLES HEGELE
7950 N. LONE PINE ROAD
TERREBONNE, OR 97760

Findings of Fact

1. On May 18, 2012, CHARLES HEGELE filed an application to temporarily change the place of use under Certificate 72197 for a period of 1 year. The Department assigned the application number T-11424.
2. The portion of the first right to be temporarily transferred is as follows:

Certificate: 72197 in the name of CROOK COUNTY IMPROVEMENT DISTRICT 1
(confirmed by Deschutes River Decree)

Use: IRRIGATION OF 12.1 ACRES

Priority Date: OCTOBER 31, 1900

Rate: 0.15 CUBIC FOOT PER SECOND

Limit/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 not to exceed the quantity determined by the duty of water as set by decree of the Circuit Court for Deschutes County, dated March 24, 1933, as measured at the Lone Pine Weir, not to exceed 4.2 acre feet for each acre irrigated during the irrigation season.

Source: DESCHUTES RIVER, tributary to 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 Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	NORTH 36°45' WEST 1056.8 FEET FROM THE E¼ CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	9	SE NW	4.5
14 S	14 E	WM	9	NE SW	2.7
14 S	14 E	WM	9	SW SW	4.9
Total					12.1

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

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT
(perfected under Permit S-23256)

Use: SUPPLEMENTAL IRRIGATION OF 12.1 ACRES

Priority Date: FEBRUARY 28, 1913

Limit/Duty: The appropriation shall be limited to the duty of water as set out in the modified supplemental decree of the circuit court dated March 24, 1933 in the matter of the determination of the relative rights to the use of the waters of the Deschutes River and its tributaries.

Source: CRANE PRAIRIE RESERVOIR (CONSTRUCTED UNDER PERMIT R-1687), tributary to the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	8 E	WM	17	NE NE	CRANE PRAIRIE RESERVOIR DAM

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	9	SE NW	4.5
14 S	14 E	WM	9	NE SW	2.7
14 S	14 E	WM	9	SW SW	4.9
Total					12.1

4. The water right evidenced by Certificate 76714 allows for the use of up to 50,000 acre-feet of water stored in Crane Prairie Reservoir, a tributary of the Deschutes River, for supplemental irrigation. The diversion rate is not specified on the certificate and the use is limited to the total volume of stored water to make up a deficiency in supply of the live flow water right appurtenant to specified lands.

5. Temporary Transfer Application T-11424 proposes to temporarily change the place of use of the rights to:

IRRIGATION UNDER CERTIFICATE 72197					
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 76714					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	16	SW NW	12.1

6. Notice of the application for transfer was published on May 29, 2012 and June 5, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notices.
7. Temporary Transfer Application T-11424 proposes to temporarily transfer water rights within the boundaries of Crook County Improvement District and Central Oregon Irrigation District. The districts were notified of the proposed temporary transfer and indicated that they did not object to the transfer.

Temporary Transfer Review Criteria

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in application Temporary Transfer Application T-11424 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-11424 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2012 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2012 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. A subsequent application for permanent transfer of Certificate 72197 and 76714 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 72197 and 76714.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
9. The use of the remaining water rights described by Certificate 72197 and 76714 shall continue to be in accordance with the terms and conditions of Certificate 72197 and 76714.

Dated at Salem, Oregon this 28th day of June, 2012.


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

Mailing Date: **JUL 02 2012**