

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10841, Crook 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

OCHOCO IRRIGATION DISTRICT
Attn- BOB MAIN
1001 NW DEER ST.
PRINEVILLE, OR 97754

Findings of Fact

1. On April 03, 2009, Ochoco Irrigation District filed a district transfer application to permanently change the place of use under Certificates 82246, 82247 and 82248. The Department assigned the application number T-10841.
2. Notice of the application for transfer was published 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: 82246, issued in the name of Ochoco Irrigation District

Use: Irrigation of 12.95 acres

Priority Date: March 13, 1916 (from McKay Creek) and August 10, 1917 (from all other named sources)

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (or the equivalent) for each acre irrigated no to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: Ochoco, McKay, Dry, Lytle and Johnson Creeks, and all waste and return water flowing in all unnamed waterways and Ochoco Reservoir.

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
15 S	17 E	WM	5	SW NW	OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

Authorized Places of Use:

IRRIGATION						
TWP	RNG	MER	SEC	Q-Q	ACRES	NOTICE
14 S	15 E	WM	2	SE SW	1.0	6-08
14 S	15 E	WM	11	SE SW	0.4	7-08
14 S	15 E	WM	15	SW NE	5.6	1-08
14 S	15 E	WM	15	SE SE	0.25	3-08
14 S	15 E	WM	17	SW NW	1.4	4-08
14 S	15 E	WM	17	SE NW	0.2	4-08
14 S	15 E	WM	17	NW SW	0.7	4-08
14 S	15 E	WM	17	NE SW	0.7	4-08
14 S	15 E	WM	24	NW NE	1.8	8-08
14 S	16 E	WM	29	NW NW	0.1	10-08
14 S	16 E	WM	30	SE SE	0.8	9-08
Total:					12.95	

4. Transfer Application T-10841 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
14 S	15 E	WM	11	SE SW	3400	0.4	KLEVE KEE	7-08
14 S	15 E	WM	15	SW NE	114	6.6	MONTE KUK	1-08 and 6-08
14 S	15 E	WM	15	SW SE	810	0.9	ORV STEPHENS	9-08 and 10-08
14 S	15 E	WM	17	NW SW	400	2.8	JOHN FAHLSTROM	4-08
14 S	15 E	WM	17	NE SW	400	0.2	JOHN FAHLSTROM	4-08
14 S	15 E	WM	24	NE NE	102	1.8	JOHN WOERNER	8-08
15 S	16 E	WM	5	NW NW	601	0.25	CROOK CO. FIRE & RESCUE	3-08
Total						12.95		

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

Certificate: 82247, issued in the name of U. S. Bureau of Reclamation

Use: Irrigation of 5.8 acres and Supplemental Irrigation 12.95 acres

Priority Date: April 8, 1914

Rate & Duty: ONE-FORTIETH of one cubic foot per second for each acre irrigated and shall be further limited to 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: Crooked River and Prineville Reservoir, tributary to the Deschutes River.

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	POD#	MEASURED DISTANCES
15 S	15 E	WM	36	SW SE	2	60 FEET NORTH AND 1940 FEET WEST FROM THE SE CORNER OF SECTION 36

Authorized Places of Use:

IRRIGATION						
TWP	RNG	MER	SEC	Q-Q	ACRES	NOTICE
13 S	15 E	WM	32	NE SW	1.8	2-08
13 S	15 E	WM	32	SE SW	4.0	2-08
TOTAL:					5.8	

SUPPLEMENTAL IRRIGATION						
TWP	RNG	MER	SEC	Q-Q	ACRES	NOTICE
14 S	15 E	WM	2	SE SW	1.0	6-08
14 S	15 E	WM	11	SE SW	0.4	7-08
14 S	15 E	WM	15	SW NE	5.6	1-08
14 S	15 E	WM	15	SE SE	0.25	3-08
14 S	15 E	WM	17	SW NW	1.4	4-08
14 S	15 E	WM	17	SE NW	0.2	4-08
14 S	15 E	WM	17	NW SW	0.7	4-08
14 S	15 E	WM	17	NE SW	0.7	4-08
14 S	15 E	WM	24	NW NE	1.8	8-08
14 S	16 E	WM	29	NW NW	0.1	10-08
14 S	16 E	WM	30	SE SE	0.8	9-08
Total:					12.95	

6. Transfer Application T-10841 proposes to change the places of use to:

IRRIGATION								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
13 S	15 E	WM	32	NW SW	---	5.6	MIKE MCCABE	2-08
13 S	15 E	WM	32	SW SW	---	0.2	MIKE MCCABE	2-08
Total						5.8		

SUPPLEMENTAL IRRIGATION								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
14 S	15 E	WM	11	SE SW	3400	0.4	KLEVE KEE	7-08
14 S	15 E	WM	15	SW NE	114	6.6	MONTE KUK	1-08 and 6-08
14 S	15 E	WM	15	SW SE	810	0.9	ORV STEPHENS	9-08 and 10-08
14 S	15 E	WM	17	NW SW	400	2.8	JOHN FAHLSTROM	4-08
14 S	15 E	WM	17	NE SW	400	0.2	JOHN FAHLSTROM	4-08
14 S	15 E	WM	24	NE NE	102	1.8	JOHN WOERNER	8-08
15 S	16 E	WM	5	NW NW	601	0.25	CROOK CO. FIRE & RESCUE	3-08
Total						12.95		

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

Certificate: 82248, issued in the name of Ochoco Irrigation District (perfected under Permit S-49824)

Use: INDUSTRIAL (17.5 ACRES-EQUIVALENT)

Priority Date: September 2, 1986

Duty: 4.0 acre-feet per equivalent acre per year.

Source: Ochocho Creek

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
15 S	17 E	W.M.	5	SW NW	OCHOCO FEED CANAL - 500 FEET NORTH AND 250 FEET EAST FROM THE W¼ CORNER OF SECTION 5

Authorized Place of Use:

INDUSTRIAL								
TWP	RNG	MER	SEC	Q-Q	TAX LOT	ACRES EQUIVALENT	USER	NOTICE
14S	16E	WM	31	SW NE	700	17.5	CLEAR PINE MOULDINGS	5-08

8. Transfer Application T-10841 proposed to change the places of use to:

INDUSTRIAL								
TWP	RNG	MER	SEC	Q-Q	TAX LOTS	ACRES EQUIVALENT	USER	NOTICE
14S	15E	WM	23	SOUTH ½ SE NENE	602 103	17.5	CITY OF PRINEVILLE	5-08

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 change in place of use would not result in enlargement of the rights.
12. The proposed change 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-10841 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in Transfer Application T-10841 are approved.
2. The right to the use of the water is restricted to beneficial use at the above described places of use and is subject to all other conditions and limitations contained in Certificates 82246, 82247 and 82448 or any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.

4. The proposed changes in place of use shall be completed on or before October 1, 2010.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2011.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. Certificates 82246, 82247 and 82248 are hereby modified. The Department will issue superseding certificates describing the rights when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 29th day of May, 2009.



Phillip C. Ward, Director *Pc*

Mailing Date: JUN 12 2009