

In the Matter of Transfer Application ) FINAL ORDER APPROVING A  
T-10854, Crook County ) TEMPORARY DISTRICT TRANSFER

ORS 540.570 establishes the process in which a district may submit a request to temporarily 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.

CENTRAL OREGON IRRIGATION DISTRICT  
ATTN: LESLIE CLARK  
1055 SW LAKE COURT  
REDMOND, OR 97756

1. On April 22, 2009, Central Oregon Irrigation District (COID) filed a district transfer application to temporarily change the place of use under Certificates 83571 and 76714. The Department assigned the application number T-10854.

2. Notice of the application for transfer was published April 28, 2009, pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.

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

**Certificate:** 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT  
(confirmed by the Deschutes River decree)

**Use:** IRRIGATION OF 5.0 ACRES

**Priority Date:** OCTOBER 31, 1900

**Season of Use:** APRIL 1 through OCTOBER 31, further limited as follows:

APRIL 1 through APRIL 30 and OCTOBER 1 through OCTOBER 31  
described herein as SEASON 1

MAY 1 through MAY 14 and SEPTEMBER 16 through SEPTEMBER 30  
described herein as SEASON 2

MAY 15 through SEPTEMBER 15 described herein as SEASON 3

**Maximum Quantity (Rate) that can be applied to an acre:**

**SEASON 1: Limited to 1/80 cubic foot per second (CFS) per acre**

SEASON 2: Limited to 1/60 CFS per acre

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.

SEASON 3: Limited to 1/32.4 CFS per acre

**Maximum Duty that can be applied to an acre:** Not to exceed 9.91 acre-feet (AF) per acre per year

The above listed rates and duty reflect allowance of a 45% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

**Source:** DESCHUTES RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	POD #11 – North Canal – 850 feet north and 630 feet west from the E1/4 corner of Section 29

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	31	NW NE	0.40
15 S	13 E	WM	9	SW NE	1.25
15 S	13 E	WM	10	SE SW	0.95
15 S	13 E	WM	18	NW NE	2.0
15 S	13 E	WM	20	NW SE	0.40
Total:					5.00

4. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #4), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses at the maximum rates and duty allowed at the points of diversion described in the right, the portion of the right involved in this transfer would be limited as described in the table below. These rates and duty are also the quantities by which Certificate 83571 shall be reduced, if this transfer is approved.

POD #11 (North Canal/PB Canal):

Priority Date	Season 1	Season 2	Season 3	Duty
October 31, 1900	0.062 CFS	0.083	0.110	49.42

5. Temporary Transfer Application T-10854 proposes to temporarily change the place of use of the right during the 2009 irrigation season to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
15 S	13 E	WM	19	NW NE	100	5.0

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

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

**Use:** SUPPLEMENTAL IRRIGATION OF 5.0 ACRES

**Priority Date:** FEBRUARY 28, 1913

**Limit/Duty:** This 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; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall be further limited to the terms of the inter-district contract date January 4, 1938, between the Central Oregon Irrigation District, Crook County Improvement District #1, and the Arnold Irrigation District, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** CRANE PRAIRIE RESERVOIR constructed under Permit R-1687, a tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	POD #11 – North Canal – 850 feet north and 630 feet west from the E1/4 corner of Section 29

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	31	NW NE	0.40
15 S	13 E	WM	9	SW NE	1.25
15 S	13 E	WM	10	SE SW	0.95
15 S	13 E	WM	18	NW NE	2.0
15 S	13 E	WM	20	NW SE	0.40
Total:					5.00

7. Temporary Transfer Application T-10854 proposes to temporarily change the place of use of the right during the 2009 irrigation season to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
15 S	13 E	WM	19	NW NE	100	5.0

8. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
9. The water right is subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed change in place of use would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

### Conclusions of Law

The change in place of use as proposed in Temporary Transfer Application T-10854 satisfies the requirements of ORS 540.574(3) and 540.570.

### Now, therefore, it is ORDERED:

1. The proposed temporary change in place of use to the water rights evidenced by Certificates 83571 and 76714 is approved.
2. The temporary transfer is effective for the **2009** irrigation season.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 83571 and 76714 and any related decree.
4. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
5. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
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. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
8. At the end of the **2009** irrigation season all use of water under this temporary transfer reverts automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 15<sup>th</sup> day of June, 2009.



Phillip C. Ward, Director *pcw*

Mailing date: JUN 12 2009