

BEFORE THE WATER RESOURCES DEPARTMENT

OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-10514, Jefferson County

) S U P E R S E D I N G
) F I N A L O R D E R
) APPROVING A 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

NORTH UNIT IRRIGATION DISTRICT
2024 NW BEECH STREET
MADRAS, OREGON 97741

Findings of Fact

1. On February 20, 2008 the Department issued a final order approving a district permanent transfer as proposed in Transfer Application T-10514, recorded at Special Order Volume 74, page 204. The order approving T-10514 contained a scrivener error in the order caption. This order corrects that error in *bold italicized* script.
2. On December 31, 2007 North Unit Irrigation District filed a district transfer application to permanently change the place of use under Certificates 72279, 72281 and 72283. The Department assigned the application number T-10514.
3. 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.
4. The first rights to be transferred are as follows:

Certificate: 72279, issued in the name of North Unit Irrigation District.

Use: Irrigation (IR).

Priority Date: February 28, 1913.

Rate & Duty: Maximum of 1/40 cfs per acre & 5.25 acre-feet per acre per year.

Source: Deschutes River, Wickiup and Haystack Reservoirs all tributaries of the Columbia River.

Certificate: 72281, issued in the name of North Unit Irrigation District.
Use: Supplemental Irrigation (IS).
Priority Date: June 23, 1955.
Rate & Duty: Maximum of 1/40 cfs per acre & 4.0 acre-feet per acre per year.
Source: Crooked River a tributary of the Deschutes River.

Authorized Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	Q-Q	TL	Certificate (Acres)		USER	NOTICE
						72279 (IR)	72281 (IS)		
9 S	13 E	WM	32	NW NE	200	0.3	0.3	Donald C. Boyle & Ryan C. Boyle	07-06
10 S	13 E	WM	17	NE NW	401	12.9	12.9	David and Claudia Campbell	07-01
10 S	13 E	WM	17	SE NW	401	23.8	23.8	David and Claudia Campbell	07-01
10 S	13 E	WM	17	NE SW	401	30.1	30.1	David and Claudia Campbell	07-01
10 S	13 E	WM	18	NE NE	100	4.8	4.8	David and Claudia Campbell	07-01
10 S	13 E	WM	18	SE NE	100	5.4	5.4	David and Claudia Campbell	07-01
12 S	12 E	WM	25	NW NW	206	1.0	1.0	A & A Farm Trust	07-08
TOTAL:						78.3	78.3		

Application T-10514 proposes to change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	Q-Q	TL	Certificate (Acres)		USER	NOTICE
						72279 (IR)	72281 (IS)		
9 S	13 E	WM	32	NW NE	200	0.3	0.3	Donald C. Boyle & Ryan C. Boyle	07-06
10 S	13 E	WM	20	NW SW	200	29.4	29.4	Jacobus J. & Deanna A. Poland	07-01
10 S	13 E	WM	20	NE SW	200	24.5	24.5	Jacobus J. & Deanna A. Poland	07-01
10 S	13 E	WM	20	SW SW	200	18.6	18.6	Jacobus J. & Deanna A. Poland	07-01
10 S	13 E	WM	20	SE SW	200	4.5	4.5	Jacobus J. & Deanna A. Poland	07-01
12 S	12 E	WM	23	SE NE	200	1.0	1.0	A & A Farm Trust	07-08
TOTAL:						78.3	78.3		

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

Certificate: 72283, issued in the name of North Unit Irrigation District.
Use: Irrigation.
Priority Date: September 18, 1968.

Rate & Duty: Maximum of 1/40 cfs per acre & 4.0 acre-feet per acre per year.
Source: Crooked River a tributary of the Deschutes River.

Authorized Place of Use:

AUTHORIZED PLACE OF USE—Certificate 72283								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
11S	13E	WM	12DB	NW SE	201	1.8	North Unit Irrigation District	07-07
12S	12E	WM	23	SE NE	200	1.0	A & A Farm Trust	07-03
TOTAL:						2.8		

Application T-10514 proposes to change the place of use for the above described rights to:

PROPOSED PLACE OF USE—Certificate 72283								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOTICE
9S	13E	WM	32	NW NE	200	1.8	Donald C. Boyle & Ryan C. Boyle	07-07
12S	12E	WM	25	NW NW	206	1.0	A & A Farm Trust	07-03
TOTAL:						2.8		

6. 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.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed changes in place of use would not result in enlargement of the rights.
9. The proposed changes in place of use would not result in injury to other rights.

Conclusions of Law


The proposed changes in place of use in Transfer Application T-10512 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The final order entered at Special Order Volume 74, pages 204 is void and of no further force or effect.
2. The proposed changes to the District's existing water right Certificates 72279, 72281 and 72283 are approved.
3. 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 the District's water rights or any related decree.
4. The former places of use shall no longer be irrigated as part of these water rights.

5. The proposed changes shall be completed on or before October 1, 2009.
6. A Claim of Beneficial Use and Final Proof Map shall be submitted by North Unit Irrigation District to the Department by October 1, 2010.
7. Certificates 72279, 72281 and 72283 are modified. The Department will issue a superseding certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 28th day of May, 2008.


Phillip C. Ward, Director

Mailing Date: MAY 29 2008