

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

In the Matter of Transfer Application ) FINAL ORDER APPROVING  
T-13421, Jefferson County ) A DISTRICT TEMPORARY TRANSFER  
)

**Authority**

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

**Applicant**

**Findings of Fact**

1. On April 20, 2020, LONE PINE IRRIGATION DISTRICT (LPID) filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 72197, 76714, 83633, 84404, and 84405. The Department assigned the application number T-13421.
2. On April 24, 2020, LPID submitted a new table correcting a scrivener's error, and on April 27, 2020 submitted a revised map showing the locations of points of appropriation.
3. Notice of the application for transfer was published on April 28, 2020, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
4. The portion of the first right to be transferred is as follows:

**Certificate:** 72197 issued in the name of CROOK COUNTY IMPROVEMENT DISTRICT #1 (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

**Use:** IRRIGATION of 84.5 acres

**Priority Dates:** October 31, 1900

**Rate :** 1.04 CUBIC FEET PER SECOND, measured at the Lone Pine Weir at the following location:

Twp	Rng	Mer	Sec	Q-Q
14 S	13 E	WM	13	SW SE

This is an 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.

**Seasons of Use:** Season 1: April 1 through April 30 & October 1 through October 31  
 Season 2: May 1 through May 14 & September 16 through September 30  
 Season 3: May 15 through September 15

**Maximum Quantity (Rate) that can be applied to an acre:**  
 Season 1: Limited to 1/137.0 cubic foot per second (cfs) per acre  
 Season 2: Limited to 1/109.0 cfs per acre  
 Season 3: Limited to 1/86.6 cfs per acre

**Maximum Duty that can be applied to an acre:**  
 Not to exceed 4.2 acre-feet (af) per acre per year, as measured at the Lone Pine Weir.

**Source:** THE DESCHUTES RIVER, A TRIBUTARY OF THE COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	NORTH 36 DEGREES 45 MINUTES WEST, 1056.8 FEET FROM THE EAST ¼ CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Water User
14 S	14 E	WM	4	NE SE	13.0	AJ DAIRY LLC
14 S	14 E	WM	4	NW SE	32.3	AJ DAIRY LLC
14 S	14 E	WM	4	SW SE	27.6	AJ DAIRY LLC
14 S	14 E	WM	4	SE SE	11.6	AJ DAIRY LLC
<b>Total</b>					<b>84.5</b>	

5. Transfer Application T-13421 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Water User
13 S	14 E	WM	33	NE SW		5.0	AJ DAIRY LLC
13 S	14 E	WM	33	SW SW		8.7	AJ DAIRY LLC
13 S	14 E	WM	33	SE SW		38.9	AJ DAIRY LLC
13 S	14 E	WM	33	NW SE		0.5	AJ DAIRY LLC
13 S	14 E	WM	33	SW SE		14.7	AJ DAIRY LLC
14 S	14 E	WM	4	NE NW	3	7.8	AJ DAIRY LLC
14 S	14 E	WM	4	NW NW	4	8.9	AJ DAIRY LLC
<b>Total</b>						<b>84.5</b>	

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 84.5 acres

**Priority Date:** February 28, 1913

**Limit/Duty:** Limited to 50,000 acre-feet of stored water only

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

The water right evidenced by Certificate 76714 allows 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 and use is limited to the total volume of stored water to make up any deficiency in supply of the live flow water right appurtenant to specified lands.

**Authorized Points of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11	17 S	12 E	WM	29	SE NE	COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Water User
14 S	14 E	WM	4	NE SE	13.0	AJ DAIRY LLC
14 S	14 E	WM	4	NW SE	32.3	AJ DAIRY LLC
14 S	14 E	WM	4	SW SE	27.6	AJ DAIRY LLC
14 S	14 E	WM	4	SE SE	11.6	AJ DAIRY LLC
<b>Total</b>					<b>84.5</b>	

7. Transfer Application T-13421 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Water User
13 S	14 E	WM	33	NE SW		5.0	AJ DAIRY LLC
13 S	14 E	WM	33	SW SW		8.7	AJ DAIRY LLC
13 S	14 E	WM	33	SE SW		38.9	AJ DAIRY LLC
13 S	14 E	WM	33	NW SE		0.5	AJ DAIRY LLC
13 S	14 E	WM	33	SW SE		14.7	AJ DAIRY LLC
14 S	14 E	WM	4	NE NW	3	7.8	AJ DAIRY LLC
14 S	14 E	WM	4	NW NW	4	8.9	AJ DAIRY LLC
<b>Total</b>						<b>84.5</b>	

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

**Certificate:** 83633 issued in the name of BUCKNER BROTHERS (perfected under Permit G-442)

**Use:** IRRIGATION of 15.2 acres

**Priority Date:** DECEMBER 13, 1956

**Rate:** 0.19 CUBIC FOOT PER SECOND

**Limits & 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 ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** BUCKNER WELL #1 WITHIN THE SMALL DRY CREEK (CROOKED RIVER) BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	14 E	WM	33	NE SE	858 FEET SOUTH AND 20 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 33

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Water User
13 S	14 E	WM	33	NW SE	0.5	AJ DAIRY LLC
13 S	14 E	WM	33	SW SE	14.7	AJ DAIRY LLC
<b>Total</b>					<b>15.2</b>	

9. Transfer Application T-13421 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Water User
14 S	14 E	WM	4	NE SE	13.0	AJ DAIRY LLC
14 S	14 E	WM	4	SE SE	2.2	AJ DAIRY LLC
<b>Total</b>					<b>15.2</b>	

10. The portion of the fourth right to be transferred is as follows:

**Certificate:** 84404 issued in the name of HAROLD BUCKNER (perfected under Permit G-7907)

**Use:** IRRIGATION of 69.3 acres and SUPPLEMENTAL IRRIGATION of 15.2 acres

**Priority Date:** SEPTEMBER 29, 1977

**Rate:** 0.87 CUBIC FOOT PER SECOND (CFS) for IRRIGATION and 0.19 CFS for SUPPLEMENTAL IRRIGATION

**Limits & 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 ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

**Source:** WELL #2 AND WELL #3 WITHIN THE CROOKED RIVER BASIN

**Authorized Points of Appropriation**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	14 E	WM	33	SW SE	420 FEET NORTH AND 2260 FEET WEST FROM THE SE CORNER OF SECTION 33
13 S	14 E	WM	33	SE SE	200 FEET NORTH AND 150 FEET WEST FROM THE SE CORNER OF SECTION 33

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Water User
13 S	14 E	WM	33	NE SW		5.0	AJ DAIRY LLC
13 S	14 E	WM	33	SW SW		8.7	AJ DAIRY LLC
13 S	14 E	WM	33	SE SW		38.9	AJ DAIRY LLC
14 S	14 E	WM	4	NE NW	3	7.8	AJ DAIRY LLC
14 S	14 E	WM	4	NW NW	4	8.9	AJ DAIRY LLC
<b>Total</b>						<b>69.3</b>	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Water User
13 S	14 E	WM	33	NW SE		0.5	AJ DAIRY LLC
13 S	14 E	WM	33	SW SE		14.7	AJ DAIRY LLC
<b>Total</b>						<b>15.2</b>	

11. Transfer Application T-13421 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Water User	
14 S	14 E	WM	4	NW SE	32.3	AJ DAIRY LLC	
14 S	14 E	WM	4	SW SE	27.6	AJ DAIRY LLC	
14 S	14 E	WM	4	SE SE	9.4	AJ DAIRY LLC	
<b>Total</b>					<b>69.3</b>		

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Water User	
14 S	14 E	WM	4	NE SE	13.0	AJ DAIRY LLC	
14 S	14 E	WM	4	SE SE	2.2	AJ DAIRY LLC	
<b>Total</b>					<b>15.2</b>		

12. The portion of the fifth right to be transferred is as follows:

**Certificate:** 84405 issued in the name of HAROLD BUCKNER (perfected under Permit G-7908)

**Use:** SUPPLEMENTAL IRRIGATION of 69.3 acres

**Priority Date:** SEPTEMBER 29, 1977 & FEBRUARY 8, 1978

**Rate:** 0.87 CUBIC FOOT PER SECOND

**Limits & 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 ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

Source: WELL #4 WITHIN THE CROOKED RIVER BASIN

**Authorized Point of Appropriation**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	14 E	WM	33	SW SE	420 FEET NORTH AND 2240 FEET WEST FROM THE SE CORNER OF SECTION 33

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Glott	Acres	Water User
13 S	14 E	WM	33	NE SW		5.0	AJ DAIRY LLC
13 S	14 E	WM	33	SW SW		8.7	AJ DAIRY LLC
13 S	14 E	WM	33	SE SW		38.9	AJ DAIRY LLC
14 S	14 E	WM	4	NE NW	3	7.8	AJ DAIRY LLC
14 S	14 E	WM	4	NW NW	4	8.9	AJ DAIRY LLC
<b>Total</b>						<b>69.3</b>	

13. Transfer Application T-13421 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Water User	
14 S	14 E	WM	4	NW SE	32.3	AJ DAIRY LLC	
14 S	14 E	WM	4	SW SE	27.6	AJ DAIRY LLC	
14 S	14 E	WM	4	SE SE	9.4	AJ DAIRY LLC	
<b>Total</b>						<b>69.3</b>	

14. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.

15. 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.

16. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

17. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.

18. The proposed change in places of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).

19. The proposed change in places of use, as conditioned, would not result in injury to other water rights as defined in OAR 690-385-0100(4).

20. All other applicable requirements for district temporary water right transfers are met.

## Conclusions of Law

1. The proposed change in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
2. The proposed change in place of use, as conditioned will not result in injury to other water rights as defined in OAR 690-385-0100(4).
3. The temporary change in place of use proposed in Temporary Transfer Application T-13388, as conditioned, is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

### Now, therefore, it is ORDERED:

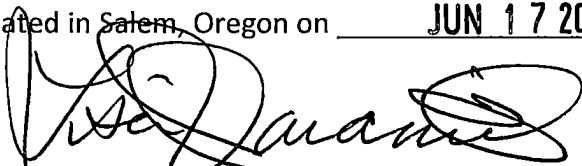
1. The temporary changes in places of use proposed in Transfer Application T-13421, as conditioned, are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2020 irrigation season.
3. The use shall revert to the authorized places of use after the 2020 irrigation season.
4. Any application for permanent transfer of Certificates 72197, 76714, 83633, 84404, and 84405 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture of Certificates 72197, 76714, 83633, 84404, and 84405, under ORS 540.610.
6. The use of water on lands from which the right is transferred and in the new temporary location during the same irrigation season or calendar year is prohibited and may subject the district and the landowner to civil penalties.
7. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
8. 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.
9. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 72197, 76714, 83633, 84404, and 84405.

10. Water use measurement and reporting conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

11. The use of the remaining water rights described by Certificates 72197, 76714, 83633, 84404, and 84405 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificates 72197, 76714, 83633, 84404, and 84405.

Dated in Salem, Oregon on JUN 17 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

Mailing Date: JUN 18 2020