# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application
T-12701, Deschutes and Crook Counties
)
FINAL ORDER APPROVING
A DISTRICT PERMANENT TRANSFER
FOR PLACE OF USE

## **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**

CENTRAL OREGON IRRIGATION DISTRICT 1055 SW LAKE CT. REDMOND, OR 97756

#### **Findings of Fact**

- 1. On June 22, 2017, Central Oregon Irrigation District (COID) filed a district transfer application to permanently change the place of use under Certificates 83571 and 76714. The Department assigned the application number T-12701.
- 2. Notice of the District Permanent Transfer Application was published on June 27, 2017, 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: 83571 in the name of CENTRAL OREGON IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County)

Use: IRRIGATION of 31.14 acres

Priority Dates: OCTOBER 31, 1900 and DECEMBER 2, 1907

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 1/80 cubic foot per second (cfs) per acre

Season 2: Limited to 1/60 cfs per acre Season 3: Limited to 1/32.4 cfs per acre

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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

## 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:** The DESCHUTES RIVER, tributary to the COLUMBIA RIVER

#### **Authorized Points of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13
11	17 S	12 E	WM	29		COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

#### **Authorized Place of Use:**

					IRF	RIGATION	I		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
14 S	13 E	WM	27	SW NE	1.35	301	ARNETT	T-2017-010	11
14 S	13 E	WM	31	SE NE	3.94	700	COID	T-2017-003	11
14 S	13 E	WM	31	NW SE	0.40	1900	ERICKSON	T-2017-002	11
15 S	13 E	WM	5	NE SE	3.70	300	COID	T-2017-003	11
15 S	13 E	WM	20	NW NW	1.86	201	COID	T-2017-003	11
17 S	14 E	WM	11	SW SE	0.96	800	DICE	T-2017-001	1
17 S	14 E	WM	11	SW SE	0.06	700	DICE	T-2017-001	1
17 S	14 E	WM	11	SE SE	1.12	700	DICE	T-2017-001	1
17 S	14 E	WM	25	NE NW	0.65	200	TATE	T-2017-009	1
17 S	14 E	WM	25	SE NW	3.00	200	TATE	T-2017-009	1
18 S	13 E	WM	2	NE SE	1.05	101	CRABTREE	T-2017-008	1
18 S	13 E	WM	3	NE NW	1.00	1600	CABANA	T-2017-005	1
18 S	13 E	WM	10	NW NE	9.45	101	LEMOINE	T-2017-006	1
18 S	13 E	WM	10	SW NE	0.20	101	LEMOINE	T-2017-006	1
18 S	14 E	WM	7	NW SW	2.40	600	BRADETICH	T-2017-011	1
		·		Total:	31.14				

4. Transfer Application T-12701 proposes to change the place of use to:

## **Proposed Place of Use:**

	IRRIGATION														
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD						
14 S	13 E	WM	27	NW NE	0.10	301	ARNETT	T-2017-010	11						
14 S	13 E	WM	27	SW NE	0.50	301	ARNETT	T-2017-010	11						
14 S	13 E	WM	27	SE NW	0.75	301	ARNETT	T-2017-010	11						
14 S	13 E	WM	31	NE SE	0.28	1900	ERICKSON	T-2017-002	11						
14 S	13 E	WM	31	NW SE	0.12	1900	ERICKSON	T-2017-002	11						
16 S	12 E	WM	12	NW SW	9.50	503	KUTELLA	T-2017-003	11						
17 S	14 E	WM	11	SW SE	2.10	700	DICE	T-2017-001	1						
17 S	14 E	WM	11	SW SE	0.04	800	DICE	T-2017-001	1						
17 S	14 E	WM	24	SW NE	1.40	800	CRAWFORD	T-2017-009	1						

	IRRIGATION														
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD						
17 S	14 E	WM	27	NE SE	2.25	1602	SOLITZ	T-2017-009	1						
18 S	13 E	WM	2	NE SE	1.05	101	CRABTREE	T-2017-008	1						
18 S	13 E	WM	3	NE NW	1.00	1600	CABANA	T-2017-005	·1						
18 S	13 E	WM	10	SW NE	9.65	101	LEMOINE	T-2017-006	1						
18 S	14 E	WM	7	NW SW	2.40	600	BRADETICH	T-2017-011	1						
	_			Total:	31.14	1									

5. The season of use described in Certificate 8/3571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the irrigation season should described as:

Seasons of Use: Season 1: April 1 through April 30 & October 1 through October 31

Season 2: May 1 through May 14 & September 15 through September 30

Season 3: May 15 through September 14

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 31.14 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 767/14 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			
1	18 S	11 E	WM	13	SW NE	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13			
11	17 S	12 E	WM	29		COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29			

### **Authorized Place of Use:**

				SUPP	LEME	NTAL IRR	IGATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
14 S	13 E	WM	27	SW NE	1.35	301	ARNETT	T-2017-010	11
14 S	13 E	WM	31	SE NE	3.94	.700	COID	T-2017-003	11
14 S	13 E	WM	31	NW SE	0.40	1900	ERICKSON	T-2017-002	11
15 S	13 E	WM	5	NE SE	3.70	300	COID	T-2017-003	11
15 S	13 E	WM	20	NW NW	1.86	201	COID	T-2017-003	11
17 S	14 E	WM	11	SW SE	0.96	800	DICE	T-2017-001	1
17 S	14 E	WM	11	SW SE	0.06	'700	DICE	T-2017-001	1
17 S	14 E	WM	11	SE SE	1.12	700	DICE	T-2017-001	1
17 S	14 E	WM	25	NE NW	0.65	200	TATE	T-2017-009	1

	SUPPLEMENTAL IRRIGATION														
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD						
17 S	14 E	WM	25	SE NW	3.00	200	TATE	T-2017-009	1						
18 S	13 E	WM	2	NE SE	1.05	101	CRABTREE	T-2017-008	1						
18 S	13 E	WM	3	NE NW	1.00	1600	CABANA	T-2017-005	1						
18 S	13 E	WM	10	NW NE	9.45	101	LEMOINE	T-2017-006	1						
18 S	13 E	WM	10	SW NE	0.20	101	LEMOINE	T-2017-006	1						
18 S	14 E	WM	7	NW SW	2.40	600	BRADETICH	T-2017-011	1						
				Total:	31.14										

7. Transfer Application T-12701 proposes to change the place of use to:

# **Proposed Place of Use:**

				SUPP	LEME	NTAL IRR	IGATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
14 S	13 E	WM	27	NW NE	0.10	301	ARNETT	T-2017-010	11
14 S	13 E	WM	27	SW NE	0.50	301	ARNETT	T-2017-010	11
14 S	13 E	WM	27	SE NW	0.75	301	ARNETT	T-2017-010	11
14 S	13 E	WM	31	NE SE	0.28	1900	ERICKSON	T-2017-002	11
14 S	13 E	WM	31.	NW SE	0.12	1900	ERICKSON	T-2017-002	11
16 S	12 E	WM	12	NW SW	9.50	503	KUTELLA	T-2017-003	11
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17 S	14 E	WM	11	SW SE	0.04	800	DICE	T-2017-001	1
17 S	14 E	WM	24	SW NE	1.40	800	CRAWFORD	T-2017-009	1
17 S	14 E	WM	27	NE SE	2.25	1602	SOLITZ	T-2017-009	1
18 S	13 E	WM	2	NE SE	1.05	101	CRABTREE	T-2017-008	1
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18 S	13 E	WM	10	SW NE	9.65	101	LEMOINE	T-2017-006	1
18 S	14 E	WM	7	NW SW	2.40	600	BRADETICH	T-2017-011	1
				Total:	31.14				

- 8. The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 and contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.
- 9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 10. The proposed change in place of use will not result in enlargement of the rights.
- 11. The proposed change in place of use will not result in injury to other water rights.

#### **Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-12701 satisfy the requirements of ORS 540.574(3) and 540.580.

## Now, therefore, it is ORDERED:

- 1. The proposed changes in place of use to the water rights evidenced by Certificates 83571 and 76714 are approved.
- 2. 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.
- 3. The former places of use shall no longer be irrigated as part of these water rights.
- 4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2018. A Claim of Beneficial Use shall be submitted by COID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
- 6. Water right Certificates 83571 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 31 day of July 2017.

Water Right Services Administrator for

THOMAS M. BYLER, DIRECTOR Oregon Department of Water Resources

Mailing Date: AUG 0 42017