



4. On June 1, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13806 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 1, 2022, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
5. On August 3, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13806 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 9, 2022, and in The Bulletin newspaper on August 5, and August 12, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The agent for the applicants requested the completion date be extended to October 1, 2027, citing the time it will take to develop the irrigation system and screening and metering. The Department grants the longer time for completion per OAR 690-380-5140(3).
7. The portion of the right to be transferred is as follows:

**Certificate:** 95746 in the name of LA PINE COOPERATIVE WATER ASSOCIATION  
(confirmed by Deschutes River (F))

**Use:** IRRIGATION of 7.0 ACRES

**Priority Date:** 1897

**Limit/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 of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM MAY 23 TO AUGUST 20, and ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, FROM APRIL 1 TO MAY 23 AND FROM AUGUST 20 TO NOVEMBER 1, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Source:** LITTLE DESCHUTES RIVER, a tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SW SW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	10 E	WM	27	SW SE	5.6
22 S	10 E	WM	34	NE SW	1.4
TOTAL					7.0

8. Transfer Application T-13806 proposes to move the authorized point of diversion approximately 9.62 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	25	NE NW	560 FEET SOUTH AND 50 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 25

9. Transfer Application T-13806 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	9 E	WM	25	NE NW	7.0

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13806.
13. The proposed change would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights.
15. All other application requirements are met.

## Conclusions of Law

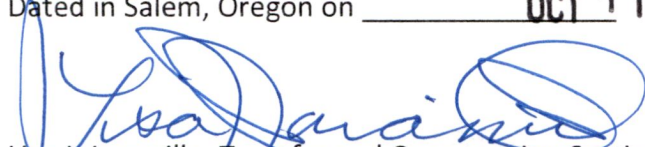
The change in point of diversion and change in place of use proposed in Transfer Application T-13806 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore it is ORDERED:

1. The change in point of diversion and change in place of use proposed in Transfer Application T-13806 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 Certificate 95746 and any related decree.
3. Water Right Certificate 95746 is modified and will be cancelled upon approval or denial of T-13764 and T-13857. A new certificate will be issued describing that portion of the right not affected by this transfer, and T-13764, and T-13857.
4. The quantity of water diverted at the new point of diversion (New POD), shall not exceed the quantity of water lawfully available at the original point of diversion (Authorized POD).
5. Water use measurement 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 (new).
  - 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.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
7. The former place of use of the transferred right shall no longer receive water under the right.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on                     **OCT 11 2022**                    



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date:                     **OCT 13 2022**