

Certificate: 76358 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: IRRIGATION of 15.5 acres

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

Season of Use: April 1 to November 1, further limited as follows:

April 1 to May 1 and October 1 to November 1 (described herein as Season 1)

May 1 to May 15 and September 15 to October 1 (described herein as Season 2)

May 15 to September 15 (described herein as Season 3)

Acres: 15.5

Quantity (Rate): Season 1 (limited to 1/80 cfs per acre): 0.19 cfs (1900 priority date)
 Season 2 (limited to 1/60 cfs per acre): 0.26 cfs (1900 priority date)
 Season 3 (limited to 1/32.4 cfs per acre): 0.48 cfs, being 0.33 cfs under the 1900 priority date and 0.15 cfs under the 1907 priority date

Limit/Duty: 9.91 acre-feet for each acre irrigated during the irrigation season as measured at the diversion from the source. The quantities reflect a 45% transmission loss as determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933.

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
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:

Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	3	SW SW	2.0
14 S	13 E	WM	3	NE SE	0.4
14 S	13 E	WM	3	NE SE	0.25
14 S	13 E	WM	3	NW SE	0.8
14 S	13 E	WM	3	NW SE	1.2
14 S	13 E	WM	3	SE SE	0.2
14 S	13 E	WM	4	SW SE	1.0
14 S	13 E	WM	10	NE NE	1.2
14 S	13 E	WM	10	NE NE	2.6
14 S	13 E	WM	10	NE NW	0.3
14 S	13 E	WM	10	NW NW	0.35
14 S	13 E	WM	10	NW NW	2.1
14 S	13 E	WM	10	SW NW	1.0
14 S	13 E	WM	10	SE NW	0.1
14 S	13 E	WM	10	SE NW	0.1
14 S	13 E	WM	10	NE SW	0.9
14 S	13 E	WM	10	NE SW	0.6
14 S	13 E	WM	10	NE SW	0.4
Total					15.50

3. Supplemental right, certificate 76714, is appurtenant to the same lands from which the primary right under certificate 76358 is proposed to be transferred to pond maintenance. The applicant requested that the affected acreage portion of certificate 76714 be cancelled upon issuance of the Final Order approving T-10267, but that the total volume of stored water authorized to be used under the right evidenced by Certificate 76714 not be reduced.
4. Application T-10267 proposes to change the place of use of the right to:

Pond Maintenance					
Twp	Rng	Mer	Sec	Q-Q	Equivalent Acres
14 S	13 E	WM	3	SW SW	2.5
14 S	13 E	WM	10	NE NW	2.75
14 S	13 E	WM	10	NW NW	0.25
14 S	13 E	WM	10	NW NW	4.75
14 S	13 E	WM	10	SW NW	2.5
14 S	13 E	WM	10	SE NW	2.5
14 S	13 E	WM	10	SE NW	0.25
Total					15.5

5. Application T-10267 proposes to change the character of use to pond maintenance.
6. Notice of the application for transfer was published on November 28, 2006, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On April 12, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10267 to the applicants. The cover letter that accompanied the draft Preliminary Determination set forth a deadline of 30 days in which the applicant could respond. The applicants did not provide any comments by the deadline, to request any changes from the draft. However, the Department discovered that reference to an annual duty for the new use had been left off the original draft. On July 20, 2007 a revised draft was emailed to the applicant for review. On July 26, 2007 the applicant responded by email that the revised draft with an annual acre-foot limitation on the use was acceptable.

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

8. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10267.
10. The proposed change would not result in enlargement of the right, provided the water diverted does not exceed the rates stated in Finding of Fact #2 and is limited to a total quantity of 153.6 acre-feet (9.91 acre-feet per acre times 15.5 acres) during the irrigation season each year.

11. The proposed change would not result in injury to other water rights.

Partial Cancellation of Water Right Certificate 76714

- 12. ORS 540.510(1) and OAR 690-380-2250(5) provide that the order approving the transfer of a primary right shall cancel the portion of a supplemental right appurtenant to the same lands if the supplemental right is not included in the transfer.
- 13. Consistent with OAR 690-380-2250, the Department notified the applicant on April 12, 2007, of the Department's intent to cancel the portions of the supplemental water rights described in Finding of Fact #15 unless within 30 days of the date of the notification the applicant modified the application to include the supplemental right or requested the application be withdrawn. The applicants did not amend the application nor request that it be withdrawn.
- 14. The transfer application contained a request to modify the supplemental water right, evidenced by Certificate 76714, to reduce by 15.5 acres the number of acres to which stored water may be applied for supplemental irrigation; but NOT to reduce the total volume of stored water authorized to be used under the right evidenced by Certificate 76714.
- 15. Pursuant to OAR 690-380-2250(4), the Department has determined that the applicants hold the interest to portions of the water right evidenced by Certificate 76714, and is hereby notifying the applicant and landowner that the portion described in Finding of Fact #16 will be cancelled because it has not been included in the transfer application, unless the transfer application is withdrawn within 90 days.
- 16. The portion of the right to be cancelled is as follows:

Certificate: 76714 in the name of CENTRAL OREGON IRRIGATION DISTRICT

Use: SUPPLEMENTAL IRRIGATION of 15.50 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 DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	CENTRAL OREGON IRRIGATION DISTRICT NORTH CANAL AND CROOK COUNTY IMPROVEMENT DISTRICT #1 – 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
14 S	13 E	WM	3	SW SW	2.0
14 S	13 E	WM	3	NE SE	0.4
14 S	13 E	WM	3	NE SE	0.25

Supplemental Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	3	NW SE	0.8
14 S	13 E	WM	3	NW SE	1.2
14 S	13 E	WM	3	SE SE	0.2
14 S	13 E	WM	4	SW SE	1.0
14 S	13 E	WM	10	NE NE	1.2
14 S	13 E	WM	10	NE NE	2.6
14 S	13 E	WM	10	NE NW	0.3
14 S	13 E	WM	10	NW NW	0.35
14 S	13 E	WM	10	NW NW	2.1
14 S	13 E	WM	10	SW NW	1.0
14 S	13 E	WM	10	SE NW	0.1
14 S	13 E	WM	10	SE NW	0.1
14 S	13 E	WM	10	NE SW	0.9
14 S	13 E	WM	10	NE SW	0.6
14 S	13 E	WM	10	NE SW	0.4
Total					15.50


Determination and Proposed Action

The changes in place of use and character of use proposed in application T-10267 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned right will be cancelled.

If application T-10267 is approved, the final order will include the following:

1. *The changes in place of use and character of use proposed in application T-10267 are approved. The portion of the right that has been abandoned is cancelled.*
2. *Water right certificates 76358 and 76714 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.*
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 76358 and 76714 and any related decree.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *The water diverted from the canal for pond maintenance shall not exceed the rates stated in Finding of Fact #2, and is limited to a total annual quantity of 153.6 acre-feet.*
6. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.*

Dated at Salem, Oregon this 27th day of July 2007.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Vern Church. If you have questions about the information in this document, you may reach me at 541-883-4182 or Vernon.L.Church@wrд.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1266.