

**Before the Oregon Water Resources Director
Deschutes, Crook, and Jefferson County**

PROPOSED ORDER

Pursuant to ORS 541.329 (District Water Rights Mapping Provision), a petition requesting approval and acceptance of district maps showing the location and use of all water rights within and served by a district was submitted to the Oregon Water Resources Commission on July 1, 1993, by the petitioner:

**CENTRAL OREGON IRRIGATION DISTRICT
2598 N. HWY 97
REDMOND, OREGON 97756**

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of Water of Deschutes River and its Tributaries, a water right was allowed in the name of Central Oregon Irrigation District for use of the waters of the Deschutes River for irrigation, domestic, stock, manufacturing, and municipal uses.

These lands have dates of priority of October 31, 1900, for 985 cubic feet per second (cfs) and December 2, 1907, for balance allowed by decree. The rights are evidenced by Water Right Certificate #29052, as modified by the Special Orders listed in **APPENDIX A, Section 4**. These lands also have a supplemental right to the use of water stored in Crane Prairie Reservoir under a portion of Permit #23256 with a date of priority of February 28, 1913. These lands are served by means of the Central Oregon Irrigation District Canal, North Canal, and by direct pumping from the Deschutes River for certain lands.

The petitioner requests that the Rights of Record be changed to reflect the present uses and places of use listed in **APPENDIX B, Section 1**.

The petitioner did not petition all the rights of record as there are rights that were moved outside the district boundaries by Transfer Special Order Volume 39, Page 417, and thus have to be excluded from the petition. The rights of record outside the district are listed in **APPENDIX B, Section 5**. Proof for these lands, made pursuant to OAR 690-15-120, was made for less acreage than was ordered by Transfer Special Order Volume 39, Page 41. The balance being included in the petitioned lands listed in **APPENDIX B, Section 1**.

Pursuant to OAR 690-13-030(1)(c), the petitioner requests that as part of the petition process, Permit #23256 be confirmed as a supplemental source for all petitioned uses.

FINDINGS

The Director has examined the petition and maps submitted by Central Oregon Irrigation District and a report prepared by Department staff. The report is on file at the Water Resources Department. Based on the examination and report, the Director finds:

1. Central Oregon Irrigation District is a district eligible to petition as defined by ORS 541.325(1).
2. The district certified that they met the notice requirements of ORS 541.329(4).
3. The district filed its petition and maps in a timely manner.
4. The district paid the fees required by ORS 536.050(o).
5. The content and quality of the district's petition and maps meet the requirements of ORS 541.329.
6. The acreage petitioned is within the limits of the eligible water rights and the limits set in ORS 541.331(4).
7. Central Oregon Irrigation District may make the proposed changes without injury to existing rights.
8. Central Oregon Irrigation District has made proof, satisfactory to the Director, for that portion of supplemental Permit #23256 appurtenant to lands described as Petitioned Lands in APPENDIX A.
9. Pursuant to OAR 690-15-110 thru 120, Central Oregon Irrigation District has made proof, satisfactory to the Director, for less land than was ordered by Transfer Special Order Volume 39, Page 417. The balance being included in the petitioned lands listed in Appendix B, Section 1. Proof was also made for the diversion point change.
10. Pursuant to OAR 690-15-110 thru 120, Central Oregon Irrigation District has made proof, satisfactory to the Director, for the diversion point portions of Transfer Special Orders Volume 33, Page 202, Volume 34, Page 225, Volume 44, Page 17 Volume 44, Page 222, and Volume 44, Page 347.

Therefore the Director finds that CENTRAL OREGON IRRIGATION DISTRICT has met the requirements of ORS 541.325 to 541.331.

PROPOSED ORDER

NOW, THEREFORE, it is hereby PROPOSED that the petition and maps of water rights submitted by CENTRAL OREGON IRRIGATION DISTRICT be accepted and approved.

It is FURTHER PROPOSED that proof has been made to the satisfaction of the Director for Transfer Special Orders Volume 33, Page 202, Volume 34, Page 225, Volume 39, Page 417, Volume 44, Page 17, Volume 44, Page 222, and Volume 44, Page 347.

It is FURTHER PROPOSED that proof has now been made to the satisfaction of the Director for all lands covered by supplemental Permit #23256. Certificates confirming the uses, as limited by the terms of the inter-district contract dated January 4, 1938, shall be issued.

It is FURTHER PROPOSED that Certificate 29052 be canceled and a new certificate conforming to the approved petition and confirming the changes made pursuant to Transfer Special Orders Volume 33, Page 202, Volume 34, Page 225, Volume 39, Page 417, Volume 44, Page 17, Volume 44, Page 222, and Volume 44, Page 347, shall be issued to CENTRAL OREGON IRRIGATION DISTRICT.

It is FURTHER PROPOSED that the original season, rate, duty limitations, and all other conditions and limitations (except type of use) contained in the original decree, as modified by all subsequent decrees, shall remain in effect for the rights petitioned.

WITNESS the signature of the Oregon Water Resources Director, affixed April 15, 1999.



Martha O. Pagel, Director

NOTICE: Within thirty days of issuance of this proposed order, Central Oregon Irrigation District shall publish notice, in a newspaper having general circulation in the area covered by this proposed order, of the proposed water right for each parcel contained in the petition. Any user, as defined in ORS 541.325(3), may file a protest on the proposed order. Any person may comment on the proposed order. Such protest or comment must be filed with the Water Resource Department within 120 days of the date of first publication of the petitioner's newspaper notice. If any timely protests cannot be resolved, or if, in the opinion of the Director, issues raised by comments cannot be resolved, then the Director shall schedule a contested case hearing, according to the provisions of ORS 183.310 to 183.550, to determine:

- (a) If the petitioner has met the requirements of ORS.541.325 to 541.331;
- (b) If the petition may result in injury to existing rights.

If, after examination or hearing, the Director finds the requirements in (a) have been met and no injury to existing water rights will occur, then a final order approving the petition and new certificates conforming to said final order shall be issued.

**Before the Water Resources Director
Deschutes, Crook, and Jefferson County Oregon**

**REPORT ON REVIEW OF CENTRAL OREGON IRRIGATION DISTRICT
HB-3111/SB-129 PETITION**

by
OWRD South Central Region Staff

Organization: Central Oregon Irrigation District was established in 1916 as successor to Central Oregon Irrigation Company. Pursuant to ORS 541.325, Central Oregon Irrigation District meets the definition of a district eligible to petition the Water Resources Director for approval and acceptance of maps showing the present location and use of water rights within the district.

Petition: Pursuant to ORS 541.325 to 541.333, Central Oregon Irrigation District filed a petition with the Water Resources Department requesting approval and acceptance of the District maps showing the present location and use of water rights within the District. The petition includes the names of the users, the location of each user's land, the use, and the acres, or equivalent, of water right petitioned per tax lot per quarter-quarter section. The petition is on file at the Water Resources Department. A copy of the petition is in **APPENDIX A**.

Eligible Rights of record: The Central Oregon Irrigation District rights of record are for irrigation, supplemental irrigation, industrial use, municipal use, stock and domestic use. The rights of record are defined by Certificate #29052 that allows the use of the Deschutes River with October 31, 1900 and December 2, 1907 priorities, and Permit #23256 that allows the use of water stored in Crane Prairie Reservoir with a February 28, 1913 priority for supplemental use, as modified by the Special Orders listed in **APPENDIX A**.

Petitioned rights: The rights as petitioned are for irrigation, supplemental irrigation, industrial use, municipal use, quasi-municipal use, dust abatement, pond maintenance, domestic use, and stock water. A tabulation of the petitioned rights is in **APPENDIX B**.

Non-petitioned rights: Rights of record not being affected by the petition are listed in **APPENDIX B**. Proof of completion of change for these rights was completed under OAR 690-15-120.

Affirmation: Affirmation that the petition and maps are correct is in **APPENDIX A**.

Assessed Acres: Central Oregon Irrigation District is petitioning 44,764.857 acres. As of July 1, 1989, Central Oregon Irrigation District assessed 45,016.26 acres. As of July 1, 1993, Central Oregon Irrigation District assessed 45,016.26 acres. Verification statements are in **APPENDIX A**.

Boundaries: A map of Central Oregon Irrigation District legal boundaries is in **APPENDIX A**.

Assent of the U.S. Secretary of the Interior: Assent of the Secretary of the Interior is not required.

Notice to users: Central Oregon Irrigation District has certified that before submission of the petition, all users, whose rights as described by the records of the District are being altered by the petition, were notified by certified mail, return receipt requested,.

Diversion Points: A list of authorized Central Oregon Irrigation District diversion points is in **APPENDIX A.**

Verification of the Petition and Maps: Central Oregon Irrigation District submitted Mylar maps. Pursuant to OAR 690-13-10(1) and OAR 690-13-350, using methods developed by OWRD and determined to be sufficiently comprehensive, South Central Region staff checked the maps and petition, both in the office and in the field, for compliance with the requirements of OAR-13-200.

Injury: South Central Region Staff considered whether the proposed changes would cause injury to other rights and determined the following:

1. The original rates, duties, and irrigation season are unchanged.
2. The diversion points from the Deschutes River are authorized diversion points.
3. No enlargement of the rights will occur.
4. All petitioned uses are allowed by the Deschutes River Basin Program.

These determinations show that no injury will occur to existing rights.

Conclusion: South Central Region staff finds that **CENTRAL OREGON IRRIGATION DISTRICT** has met all the petition requirements of ORS 541.325 to 541.333 and recommends that the Water Resources Director approve the petition.



Bob Main, Manager
South Central Region