

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

In the Matter of Instream Transfer                    )  
Application T-8908, Mitigation Project            )  
MP-12, Jefferson County                            )     **FINAL ORDER WITHDRAWING  
APPLICATION FOR A WATER RIGHT  
TRANSFER & MITIGATION PROJECT**

**Authority**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

OAR 690-505-0500 to 690-505-0630 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of providing mitigation for a ground water permit application in the Deschutes Ground Water Study Area.

**Applicant**

Deschutes Valley Water District  
881 SW Culver Highway  
Madras, OR 97741

**Agent**

David Newton, Newton Consultants Inc.  
521 SW 6<sup>TH</sup> Street, Suite 100  
Redmond, OR 97756

**Findings of Fact**


1. Application T-8908, in the name of Deschutes Valley Water District, was filed on September 21, 2001.
2. On July 17, 2003, the applicant requested to use this instream transfer to establish mitigation for ground water application G-14721. The mitigation project was assigned number MP-12.
3. On February 14, 2008, David Newton, Newton Consultants, submitted a written request on behalf of the applicant asking that Application T-8908 and Mitigation Project MP-12 be withdrawn.

This is a final 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.

**Now, therefore, it is ORDERED:**

Application T-8908 and Mitigation Project MP-12, in the name of Deschutes Valley Water District, are withdrawn and of no further force or effect.

Dated at Salem, Oregon this 21<sup>ST</sup> day of February, 2008.

  
Phillip C. Ward  
Director

Mailing date: FEB 25 2008