

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

In the Matter of Instream Transfer	)	ORDER WITHDRAWING TRANSFER
Application T-9553 (Mitigation Project	)	APPLICATION T-9553
MP-10), Deschutes County, Oregon	)	

**AUTHORITY**

ORS 540.505 to 540.580 and ORS 537.348 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 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

**Applicant**

VSN Properties, LLC  
Brian Stevens  
855 SW Yates  
Bend, OR 97702

**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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.**

On September 22, 2003, VSN Properties, LLC filed an application to transfer the place of use and the character of use under Certificates 76358 and 76714 to instream use. John Short, Deschutes Irrigation LLC, is the authorized agent acting on the behalf of the applicant. The Department assigned the application number T-9553.

The applicant requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Department assigned this mitigation credit project number MP-10.

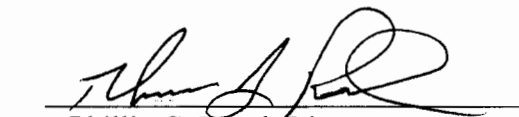
Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. A protest was filed in response to this notice by Central Oregon Irrigation District.

On November 23, 2004, John Short submitted a request, on behalf of the applicant, to withdraw transfer application T-9553 (MP-10).

Transfer Application T-9553 and Mitigation Project MP-10, in the name of VSN Properties LLC, are withdrawn and of no further force of effect. Any unearned fees will be refunded.

WITNESS the signature of the Water Resources Director,

affixed NOV 24 2004.

  
Phillip C. Ward, Director