

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

In the Matter of Transfer Applications            )  
T-6962 and T-6969, Crook County                )

FINAL ORDER

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.

**Applicant**

Terence E. & Roberta J. Dean  
141 Tivoli Drive  
Long Beach CA 90803

**Assignee**

Quail Valley Ranch II LLC  
PO Box 14111  
Salem OR 97309

**Findings of Fact**

1. Terence & Roberta Dean filed an application to change the point of diversion and place of use under Certificate 57614 on May 13, 1993. The Department assigned the application number T-6969.
2. A second amended application from Dean Ranches LLC was received in 1999.
3. T-6969 was amended a third time on June 29, 2001 to include rights which were to be transferred in T-6962 (Certificates 52182 and 68325), which is being withdrawn.
4. T-6969 was assigned to Quail Valley Ranch II LLC on July 24, 2002.
5. Duane Clark is the authorized agent for Quail Valley Ranch II LLC.
6. Certificate 57614 was cancelled by T-6192, and is superseded most recently by Certificate 75633.
7. T-6969 was amended with new maps on May 24, 2004.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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.

8. The portion of the first right to be transferred is as follows:

**Certificate:** 52182 in the name of Joyce Stearns Barney  
**Use:** Irrigation of 84.1 acres  
**Priority Date:** 1893  
**Rate:** 1.05 cfs  
**Season:** July 1-September 15  
**Source:** Crooked River, tributary to Deschutes River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Location
16	S	16	E	W.M.	18	NE	SE	#4 – 2360 FEET NORTH & 450 FEET WEST OF SE CORNER, SECTION 18
16	S	16	E	W.M.	18	SE	NW	#5 – 1880 FEET SOUTH & 1610 FEET EAST OF NW CORNER, SECTION 18

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	1/4	1/4	Acres
16	S	15	E	WM	17	NW SW 2.8
16	S	15	E	WM	17	SW SW 1.0
16	S	16	E	WM	18	SW NE 2.4
16	S	16	E	WM	18	SW NW 26.4
16	S	16	E	WM	18	SE NW 15.8
16	S	16	E	WM	18	NE SE 20.9
16	S	16	E	WM	18	NW SE 12.4
16	S	16	E	WM	18	SE SE 2.4

9. Application T-6969 proposes to move authorized point of diversion #4 approximately 200 feet upstream to:

Township		Range		Meridian	Sec	¼	¼	Location
16	S	16	E	W.M.	18	NE	SE	#4A – 2280 FEET NORTH & 239 FEET WEST OF SE CORNER, SECTION 18

10. Application T-6969 proposes to change the place of use of water diverted at proposed point of diversion #4A to:

Twp	Rng	Mer	Sec	1/4	1/4	Acres
16	S	16	E	WM	17	NW SW 3.1
16	S	16	E	WM	17	SW SW 0.7
16	S	16	E	WM	18	NE SE 21.5
16	S	16	E	WM	18	NW SE 0.6
16	S	16	E	WM	18	SE SE 8.9

11. Application T-6969 proposes to move authorized point of diversion #5 approximately 20 feet upstream to:

Township		Range		Meridian	Sec	¼	¼	Location
16	S	16	E	W.M.	18	SE	NW	#5A – 3404 FEET NORTH & 3646 FEET WEST OF SE CORNER, SECTION 18

12. Application T-6969 proposes to change the place of use of water diverted at proposed point of diversion #5A to:

Twp	Rng	Mer	Sec	1/4	1/4	GLot	Acres		
16	S	16	E	WM	18	SW	NE	3.0	
16	S	16	E	WM	18	SW	NW	2	18.8
16	S	16	E	WM	18	SE	NW		17.0
16	S	16	E	WM	18	NE	SW		0.1
16	S	16	E	WM	18	NW	SE		10.4

13. The portion of the second right to be transferred is as follows:

**Certificate:** 68325 in the name of Merrill L. Nash

**Use:** Irrigation of 6.5 acres

**Priority Date:** 1891

**Rate:** 0.11 cfs

**Limit/Duty:** 1/60 of one acre-foot per acre, and a maximum of 6 acre-feet per acre

**Source:** Crooked River, tributary to Deschutes River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	1/4	1/4	Survey Coordinates
15	S	16	E	WM	36	SE NE 1550 FEET SOUTH & 40 FEET WEST FROM NE CORNER, SECTION 36
15	S	16	E	WM	36	SW SE 5260 FEET SOUTH & 1960 FEET WEST FROM NE CORNER, SECTION 36
16	S	15	E	WM	1	SW SE 100 FEET NORTH & 1500 FEET EAST FROM SE CORNER, SECTION 1

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	1/4	1/4	GLot	Acres		
16	S	15	E	WM	1	NW	NE	2	6.4
16	S	15	E	WM	1	SW	NE		0.1

14. Application T-6969 proposes to move the authorized point of diversion approximately four miles upstream to:

Township		Range		Meridian	Sec	¼	¼	Location
16	S	16	E	W.M.	18	NE	SE	#4A – 2280 FEET NORTH & 239 FEET WEST OF THE SE CORNER, SECTION 18

15. Application T-6969 proposes to change the place of use for water diverted at proposed point of diversion #4A to:

Twp		Rng		Mer	Sec	1/4	1/4	Acres
16	S	16	E	WM	18	NE	SE	3.8
16	S	16	E	WM	18	NW	SE	2.7

16. The portion of the third right to be transferred is as follows:

**Certificate:** 75633 in the name of U.S. Bureau of Reclamation  
**Use:** Irrigation - Primary  
**Priority Date:** April 8, 1914  
**Quantity:** 1.55 cfs  
**Rate/Duty:** 1/40 of one acre-foot per acre; a maximum of 4 acre-feet per acre per year  
**Acres:** 62.2  
**Source:** Crooked River tributary to Deschutes River & Prineville Reservoir

**Authorized Point of Diversion:**

Twp		Rng		Mer	Sec	1/4	1/4	Survey Coordinates
16	S	16	E	WM	20	SW	NE	DIRECT DIVERSION 2 - 1970 FT SOUTH & 1470 FT WEST FROM NE CORNER, SECTION 20

**Authorized Place of Use:**

Twp		Rng		Mer	Sec	1/4	1/4	ACRES
16	S	16	E	WM	20	SW	NE	19.1
16	S	16	E	WM	20	NE	NW	0.8
16	S	16	E	WM	20	NW	NW	3.3
16	S	16	E	WM	20	SW	NW	4.5
16	S	16	E	WM	20	SE	NW	32.0
16	S	16	E	WM	20	NE	SW	0.8
16	S	16	E	WM	20	NW	SE	1.7

17. Application T-6969 proposes to move the authorized point of diversion approximately 100 feet upstream to:

Township		Range		Meridian	Sec	1/4	1/4	Survey Coordinates
16	S	16	E	W.M.	20	SW	NE	#2A - 1555 FEET SOUTH & 2696 FEET EAST OF THE NW CORNER, SECTION 20

18. Application T-6969 proposes to change the place of use of water diverted at proposed point of diversion #2A to:

Twp		Rng		Mer	Sec	1/4	1/4	ACRES
16	S	16	E	WM	20	SW	NE	13.5
16	S	16	E	WM	20	SW	NW	3.5
16	S	16	E	WM	20	SE	NW	29.4
16	S	16	E	WM	20	NE	SW	12.3
16	S	16	E	WM	20	NW	SE	9.7

19. The portion of the fourth right to be transferred is as follows:

**Certificate:** 75633 in the name of U.S. Bureau of Reclamation  
**Use:** Irrigation - Primary  
**Priority Date:** April 8, 1914  
**Quantity:** 0.93 cfs  
**Rate/Duty:** 1/40 of one acre-foot per acre; a maximum of 4 acre-feet per acre per year  
**Acres:** 37.1  
**Source:** Crooked River tributary to Deschutes River & Prineville Reservoir

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Survey Coordinates
16	S	16	E	W.M.	18	NE	SE	#4 – 2360 FEET NORTH & 450 FEET WEST OF THE SE CORNER, SECTION 18

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	1/4	1/4	ACRES	
16	S	16	E	WM	18	NE SE	0.5
16	S	16	E	WM	18	NW SE	4.5
16	S	16	E	WM	18	SW SE	11.3
16	S	16	E	WM	18	SE SE	18.2
16	S	16	E	WM	19	NE NE	2.6

20. Application T-6969 proposes to move the authorized point of diversion approximately 200 feet upstream to:

Township		Range		Meridian	Sec	¼	¼	Survey Coordinates
16	S	16	E	W.M.	18	NE	SE	#4A – 2280 FEET NORTH & 239 FEET WEST OF SE CORNER, SECTION 18

21. Application T-6969 proposes to change the place of use of water diverted at proposed point of diversion #4A to:

Twp	Rng	Mer	Sec	1/4	1/4	ACRES	
16	S	16	E	WM	18	NE SE	2.0
16	S	16	E	WM	18	NW SE	0.3
16	S	16	E	WM	18	SW SE	8.1
16	S	16	E	WM	18	SE SE	13.4
16	S	16	E	WM	19	NE NE	7.1

22. The portion of the fifth right to be transferred is as follows:

**Certificate:** 75633 in the name of U.S. Bureau of Reclamation  
**Use:** Irrigation – Supplemental of 76.1 acres  
**Priority Date:** April 8, 1914  
**Rate:** 1.9 cfs  
**Limit/Duty:** 1/40 of one acre-foot per acre; a maximum of 4 acre-feet per acre per year  
**Source:** Crooked River tributary to Deschutes River & Prineville Reservoir

**Authorized Point of Diversion:**

Twp		Rng		Mer	Sec	1/4	1/4	Survey Coordinates
16	S	16	E	WM	18	NE	SE	DIRECT DIVERSION 4 - 2360 FEET NORTH & 450 FEET WEST FROM SE CORNER, SECTION 18
16	S	16	E	WM	18	SE	NW	DIRECT DIVERSION 5 - 1880 FEET SOUTH & 1610 FEET EAST FROM NW CORNER, SECTION 18

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	1/4	1/4	GLot	Acres		
16	S	16	E	WM	17	NW	SW	0.6	
16	S	16	E	WM	18	SW	NE	2.4	
16	S	16	E	WM	18	SE	NW	1.0	
16	S	16	E	WM	18	NE	SE	20.9	
16	S	16	E	WM	18	NW	SE	12.4	
16	S	16	E	WM	18	SE	SE	2.4	
16	S	16	E	WM	18	SE	NW	14.8	
16	S	16	E	WM	18	SW	NW	2	21.6

23. Application T-6969 proposes to move the authorized points of diversion approximately 200 feet upstream to:

Twp		Rng		Mer	Sec	1/4	1/4	Survey Coordinates
16	S	16	E	WM	18	NE	SE	DIRECT DIVERSION #4A – 2280 FEET NORTH & 239 FEET WEST OF THE SE CORNER, SECTION 18
16	S	16	E	W.M.	18	SE	NW	DIRECT DIVERSION #5A – 3404 FEET NORTH & 3646 FEET WEST OF THE SE CORNER, SECTION 18

24. Application T-6969 proposes to change the place of use of water diverted at proposed points of diversion #4A and #5A to:

Twp	Rng	Mer	Sec	1/4	1/4	GLot	Acres		
16	S	16	E	WM	17	NW	SW	3.1	
16	S	16	E	WM	17	SW	SW	0.7	
16	S	16	E	WM	18	SW	NE	3.0	
16	S	16	E	WM	18	SW	NW	2	18.8
16	S	16	E	WM	18	SE	NW	14.9	
16	S	16	E	WM	18	NE	SW	0.1	
16	S	16	E	WM	18	NE	SE	20.8	
16	S	16	E	WM	18	NW	SE	5.8	
16	S	16	E	WM	18	SE	SE	8.9	

25. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
26. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
27. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
28. The proposed change would not result in enlargement of the rights.
29. The proposed change would not result in injury to other water rights.
30. On September 2, 2004, the U.S. Bureau of Reclamation (USBOR) filed a protest of T-6969 because the landowner did not have a valid contract with USBOR for use of stored water.
31. On February 11, 2005, the USBOR withdrew its protest of T-6969 after consultation with staff of the Oregon Water Resources Department.
32. Transfer application T-6962, in the name of Terence and Roberta Dean, was filed April 23, 1993. Changes proposed in T-6969 supersede those proposed in T-6962, thus on July 12, 2004 the applicant requested in writing that T-6962 be withdrawn.

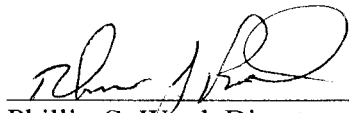
### Conclusions of Law

The proposed changes in point of diversion and place of use in application T-6969 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. Transfer application 6962, in the name of Terence and Roberta Dean, assigned to Quail Valley Ranch II LLC, is withdrawn and of no further force or effect.
2. The DOMESTIC use under Certificate 52182 is cancelled. The DOMESTIC use for the acreage being transferred under Certificate 68325 is also cancelled.
3. The changes in point of diversion and place of use proposed in T-6969 are approved, subject to the conditions listed below.
4. 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 52182, 68325, 75633, and any related decree.
5. The proposed changes shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the assignee to the Department by October 1, 2007.
7. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available to the transferred rights at the original points of diversion.
8. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. Certificates 52182, 68325, and 75633 are cancelled; Certificates 80793, 80794, and 80795 shall be issued to describe the remaining rights unaffected by T-6969.

Dated at Salem, Oregon this 28<sup>th</sup> day of FEBRUARY 2005.

  
Phillip C. Ward, Director

Mailing date: MAR 04 2005