

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-11672, Deschutes County) ADDITIONAL POINTS OF
) APPROPRIATION AND A CHANGE IN
) PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

SUNRIVER WATER, LLC
PO BOX 3699
SUNRIVER, OR. 97707

Findings of Fact

1. On October 9, 2013, SUNRIVER WATER LLC filed an application to change the place of use and for additional points of appropriation under Certificates 88801 and 88802. The Department assigned the application number T-11672.
2. Notice of the application for transfer was published on October 22, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 8, 2014, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11672 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 8, 2014, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On February 17, 2015, the Department issued a Preliminary Determination proposing to approve Transfer T-11672 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 24, 2015, and in the The Bulletin newspaper on December 18 and 25, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

5. The first right to be transferred is as follows:

Certificate: 88801 in the name of SUNRIVER WATER LLC (perfected under Permit G-3810)
Use: QUASI-MUNICIPAL USE
Priority Date: SEPTEMBER 5, 1967
Rate: 2.30 CUBIC FEET PER SECOND
Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.30 CUBIC FEET PER SECOND, measured at the point of diversion.
Source: WELL#2 within the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
19 S	11 E	WM	32	SW SW	WELL #2- 1070 FEET NORTH AND 1300 FEET EAST FROM THE SW CORNER OF SECTION 32

Authorized Place of Use:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
19 S	11 E	WM	29	SW SW
19 S	11 E	WM	29	SE SW
19 S	11 E	WM	30	SE SE
19 S	11 E	WM	31	NE NE
19 S	11 E	WM	32	NE NE
19 S	11 E	WM	32	NW NE
19 S	11 E	WM	32	SW NE
19 S	11 E	WM	32	SE NE
19 S	11 E	WM	32	NE NW
19 S	11 E	WM	32	NW NW
19 S	11 E	WM	32	SW NW
19 S	11 E	WM	32	SE NW
19 S	11 E	WM	32	NE SW
19 S	11 E	WM	32	NW SW
19 S	11 E	WM	32	SE SW
19 S	11 E	WM	32	NE SE
19 S	11 E	WM	32	NW SE
19 S	11 E	WM	32	SW SE
19 S	11 E	WM	32	SE SE
19 S	11 E	WM	33	NE NW
19 S	11 E	WM	33	NW NW
19 S	11 E	WM	33	SW NW
19 S	11 E	WM	33	SE NW
19 S	11 E	WM	33	NE SW
19 S	11 E	WM	33	NW SW
19 S	11 E	WM	33	SW SW
20 S	11 E	WM	5	NE NE
20 S	11 E	WM	5	NW NE
20 S	11 E	WM	5	SW NE
20 S	11 E	WM	5	SE NE
20 S	11 E	WM	5	NE NW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
20 S	11 E	WM	5	NW NW
20 S	11 E	WM	5	SW NW
20 S	11 E	WM	5	SE NW
20 S	11 E	WM	5	NE SW
20 S	11 E	WM	5	NW SW
20 S	11 E	WM	5	SW SW
20 S	11 E	WM	5	SE SW
20 S	11 E	WM	5	NW SE
20 S	11 E	WM	5	SW SE
20 S	11 E	WM	6	NE SW
20 S	11 E	WM	6	SE SW
20 S	11 E	WM	6	NE SE
20 S	11 E	WM	6	NW SE
20 S	11 E	WM	6	SW SE
20 S	11 E	WM	6	SE SE

6. The second right to be transferred is as follows:

Certificate: 88802 in the name of SUNRIVER WATER LLC (perfected under Permit G-5609)

Use: QUASI-MUNICIPAL USE

Priority Date: AUGUST 28, 1972

Rate: 1.10 CUBIC FEET PER SECOND

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.10 CUBIC FEET PER SECOND, measured at the well.

Source: WELL#2 within the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
19 S	11 E	WM	32	SW SW	WELL #2- 1070 FEET NORTH AND 1300 FEET EAST FROM THE SW CORNER OF SECTION 32

Authorized Place of Use:

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
19 S	11 E	WM	29	SW SW
19 S	11 E	WM	29	SE SW
19 S	11 E	WM	30	SE SE
19 S	11 E	WM	31	NE NE
19 S	11 E	WM	32	NE NE
19 S	11 E	WM	32	NW NE
19 S	11 E	WM	32	SW NE
19 S	11 E	WM	32	SE NE
19 S	11 E	WM	32	NE NW
19 S	11 E	WM	32	NW NW
19 S	11 E	WM	32	SW NW
19 S	11 E	WM	32	SE NW
19 S	11 E	WM	32	NE SW

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
19 S	11 E	WM	32	NW SW
19 S	11 E	WM	32	SE SW
19 S	11 E	WM	32	NE SE
19 S	11 E	WM	32	NW SE
19 S	11 E	WM	32	SW SE
19 S	11 E	WM	32	SE SE
19 S	11 E	WM	33	NE NW
19 S	11 E	WM	33	NW NW
19 S	11 E	WM	33	SW NW
19 S	11 E	WM	33	SE NW
19 S	11 E	WM	33	NE SW
19 S	11 E	WM	33	NW SW
19 S	11 E	WM	33	SW SW
20 S	11 E	WM	5	NE NE
20 S	11 E	WM	5	NW NE
20 S	11 E	WM	5	SW NE
20 S	11 E	WM	5	SE NE
20 S	11 E	WM	5	NE NW
20 S	11 E	WM	5	NW NW
20 S	11 E	WM	5	SW NW
20 S	11 E	WM	5	SE NW
20 S	11 E	WM	5	NE SW
20 S	11 E	WM	5	NW SW
20 S	11 E	WM	5	SW SW
20 S	11 E	WM	5	SE SW
20 S	11 E	WM	5	NW SE
20 S	11 E	WM	5	SW SE
20 S	11 E	WM	6	NE SW
20 S	11 E	WM	6	SE SW
20 S	11 E	WM	6	NE SE
20 S	11 E	WM	6	NW SE
20 S	11 E	WM	6	SW SE
20 S	11 E	WM	6	SE SE

7. Transfer Application T-11672 proposes 4 additional points of appropriation for each Certificate involved in this transfer, Certificates 88801 and 88802 with approximate distances from the authorized point of appropriation(POA) described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized POA
19 S	11 E	WM	29	NE NE	WELL #9 - 1200 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 29	1.9 Miles
20 S	11 E	WM	8	NW NW	WELL #12 - 215 FEET SOUTH AND 830 FEET EAST FROM THE NW CORNER OF SECTION 8	1.2 Miles
20 S	11 E	WM	5	NE NE	WELL #14 (aka 12 A) - 875 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER OF SECTION 5	0.8 Miles

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized POA
20 S	11 E	WM	5	NE NE	WELL #16 - 890 FEET SOUTH AND 352 FEET WEST FROM THE NE CORNER OF SECTION 5	0.8 Miles

8. Transfer Application T-11672 also proposes to change the place of use for Certificates 88801 and 88802 to:

QUASI-MUNICIPAL USE
WITHIN THE SERVICE BOUNDARIES OF SUNRIVER WATER LLC

Transfer Review Criteria (OAR 690-380-4010)

9. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. Pumps, pipelines, and a water system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11672.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law:

The additional points of appropriation and the change in place of use proposed in Transfer Application T-11672 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and the change in place of use proposed in Transfer Application T-11672 are approved.
2. 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 88801, 88802 and any related decree.
3. Water right certificates 88801 and 88802 are cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices, provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right 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.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 30 day of March 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: APR 01 2015

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