

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12290, Jefferson County) CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

METOLIUS MEADOWS PROPERTY
OWNERS ASSOCIATION INC.
PO BOX 120
CAMP SHERMAN, OR 97730-0120

Findings of Fact

1. On March 2, 2016, METOLIUS MEADOWS PROPERTY OWNERS ASSOCIATION INC. filed an application to change the character of use under Certificate 91211. The Department assigned the application number T-12290.
2. Notice of the application for transfer was published on March 15, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 2, 2016, the Department contacted the applicant to request additional information needed to continue processing the application.
4. In response to the Department’s May 2, 2016 communication, the applicant clarified that Metolius Meadows Property Owners Association, Inc. meets the definition of a municipality under ORS 540.510(3(b)).
5. The applicant submitted evidence that it is a corporation other than a public corporation created for the purpose of operating a water supply system and therefore meets the definition of a Quasi-Municipal entity.

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.

6. On May 16, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12290 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 15, 2016, 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.
7. On June 10, 2016, the Department issued a Preliminary Determination proposing to approve Transfer T-12290 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 June 14, 2016, and in the Bend Bulletin newspaper on June 12 and 19, 2016 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
8. The right to be transferred is as follows:

Certificate: 91211 in the name of METOLIUS MEADOWS PROPERTY OWNERS ASSOCIATION INC. (perfected under Permit G-5218)
Use: GROUP DOMESTIC
Priority Date: MAY 16, 1973
Rate: 0.89 CUBIC FOOT PER SECOND (CFS) further limited to no more than 0.55 cfs from each well.
Source: TWO WELLS within the METOLIUS RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	9 E	WM	16	SW SE	WELL 1 - 850 FEET NORTH AND 1410 FEET WEST FROM THE SE CORNER OF SECTION 16
13 S	9 E	WM	16	SW SE	WELL 2 - 640 FEET NORTH AND 2350 FEET WEST FROM THE SE CORNER OF SECTION 16

Authorized Place of Use:

					Additional Place of Use Information	
Twp	Rng	Mer	Sec	Q-Q	Map Number	Tax Lots
13 S	9 E	WM	16	SE NE	13.9.16AD	100, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, and 3000
13 S	9 E	WM	16	SW NE	13.9.16AD	1300, 1400 and 1900
13 S	9 E	WM	16	SE NE	13.9.16DA	100
13 S	9 E	WM	16	NE SE	13.9.16DA	100, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700 and 3800
13 S	9 E	WM	16	NW SE	13.9.16DA	2600 and 2700
13 S	9 E	WM	16	SW SE	13.9.16DA	2600 and 2700
13 S	9 E	WM	16	SE SE	13.9.16DA	2300, 2400, 2500, 2600, 2800, 2900 and 3000
13 S	9 E	WM	16	NE SE	13.9.16DB	600, 700, 2100, 2200, 2300, 2400
13 S	9 E	WM	16	NW SE	13.9.16DB	201, 202, 600, 700, 800, 900, 1000, 1100, 1200, 1300,

						1400, 1500, 1800, 1900, 2000, 2100, 2200, 2600, 2700, 2800, 2900, 3000, 3100 and 3200
13 S	9 E	WM	16	SW SE	13.9.16DB	1500, 1600, 1700 and 1800
13 S	9 E	WM	16	SW SE	13.9.16DC	100, 200, 300, 400, 500, 600, 700, 800, 900, 1300, 1400, 1500, 1600, 1700, 2000, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 5000, 5100, 5200 and 5300
13 S	9 E	WM	16	SE SE	13.9.16DC	2700, 2800, 2900, 3000, 4600, 4700, 4800 and 4900
13 S	9 E	WM	16	NE SE	13.9.16DD	3900
13 S	9 E	WM	16	SW SE	13.9.16DD	500, 600 and 700
13 S	9 E	WM	16	SE SE	13.9.16DD	200, 300, 400, 500, 1000, 1300, 1400, 1700, 2000, 2100, 2600, 2601, 2700, 2800, 2900, 3000 and 3900

9. Transfer Application T-12290 proposes to change the character of use to QUASI-MUNICIPAL

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12290.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

The change in character of use proposed in Transfer Application T-12290 is 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 change in character of use proposed in Transfer Application T-12290 is 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 Certificate 91211 and any related decree.
3. Water right Certificate 91211 is cancelled.

4. 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 existing point of appropriation.
 - 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.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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 change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 20 day of July, 2016.



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

Mailing date: JUL 22 2016