



**Authorized Points of Diversion:**

| TWP  | RNG  | MER  | SEC | Q - Q | MEASURED DISTANCES  |
|------|------|------|-----|-------|---|
| 17 S | 12 E | W.M. | 29  | SE NE | DESCHUTES RIVER: 1700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29 |
| 22 S | 9 E  | W.M. | 7   | SW NE | WICKIUP RESERVOIR   |
| 12 S | 13 E | W.M. | 27  | SW NE | HAYSTACK RESERVOIR  |

**Authorized Place of Use:**

| TWP           | RNG  | MER  | SEC | Q - Q | ACRES       | Tax Lot | USER                       | NOTICE #    |
|---------------|------|------|-----|-------|-------------|---------|----------------------------|-------------|
| 11 S          | 13 E | W.M. | 21  | SE SE | 16.9        | 800     | CHERRY CREEK INVESTORS LLC | 09-08-21    |
| 11 S          | 13 E | W.M. | 22  | SW SW | 2.9         | 1402    | NUID                       | 09-08-01-B2 |
| 11 S          | 13 E | W.M. | 22  | SW SW | 2.8         | 1402    | NUID                       | 09-08-01-C  |
| <b>TOTAL:</b> |      |      |     |       | <b>22.6</b> |         |                            |             |

4. Transfer Application T-10835 proposed to change the place of use to:

| TWP           | RNG  | MER  | SEC | Q - Q | ACRES       | Tax Lot | USER              | NOTICE #    |
|---------------|------|------|-----|-------|-------------|---------|-------------------|-------------|
| 10 S          | 13 E | W.M. | 19  | SW NE | 16.9        | 502     | BEAMER            | 09-08-21    |
| 11 S          | 13 E | W.M. | 14  | SE NW | 2.8         | 1900    | KB MANAGEMENT LLC | 09-08-01-C  |
| 12 S          | 12 E | W.M. | 25  | SW NE | 2.6         | 100     | HOLLINGER         | 09-08-01-B2 |
| 12 S          | 12 E | W.M. | 25  | SE NE | 0.3         | 100     | HOLLINGER         | 09-08-01-B2 |
| <b>TOTAL:</b> |      |      |     |       | <b>22.6</b> |         |                   |             |

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

**Certificate:** 72283, issued in the name of North Unit Irrigation District (perfected under Permit S-33954)

**Use:** Irrigation

**Acres:** 70.3

**Priority Date:** September 18, 1968

**Rate & Duty:** Maximum of 1/40 cfs per acre and 4.0 acre-feet per acre during the irrigation season of each year.

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

**Authorized Point of Diversion:**

| TWP  | RNG  | MER  | SEC | Q - Q | MEASURED DISTANCES   |
|------|------|------|-----|-------|--|
| 14 S | 13 E | W.M. | 13  | SW NE | 590 FEET NORTH AND 2790 FEET EAST FROM THE W¼ CORNER OF SECTION 13 |

**Authorized Place of Use:**

| TWP | RNG  | MER  | SEC | Q - Q | ACRES | Tax Lot | USER                       | NOTICE#  |
|-----|------|------|-----|-------|-------|---------|----------------------------|----------|
| 9 S | 14 E | W.M. | 18  | NE SW | 5.4   | 1100    | VIBBERT & VIBBERT          | 09-08-08 |
| 9 S | 14 E | W.M. | 18  | NE SW | 7.8   | 4000    | VIBBERT, VIBBERT & POTAMPA | 09-08-09 |
| 9 S | 14 E | W.M. | 18  | SE SW | 5.0   | 1100    | VIBBERT & VIBBERT          | 09-08-08 |
| 9 S | 14 E | W.M. | 18  | SE SW | 7.2   | 4000    | VIBBERT, VIBBERT & POTAMPA | 09-08-09 |
| 9 S | 14 E | W.M. | 19  | NW NE | 5.7   | 4100    | VIBBERT & NELSON           | 09-08-10 |
| 9 S | 14 E | W.M. | 19  | SW NE | 6.7   | 4100    | VIBBERT & NELSON           | 09-08-10 |

| TWP           | RNG  | MER  | SEC | Q - Q | ACRES       | Tax Lot | USER                       | NOTICE#     |
|---------------|------|------|-----|-------|-------------|---------|----------------------------|-------------|
| 9 S           | 14 E | W.M. | 19  | NE NW | 7.7         | 4000    | VIBBERT, VIBBERT & POTAMPA | 09-08-09    |
| 9 S           | 14 E | W.M. | 19  | SE NW | 7.1         | 4000    | VIBBERT, VIBBERT & POTAMPA | 09-08-09    |
| 9 S           | 14 E | W.M. | 19  | NW SE | 8.0         | 4400    | VIBBERT & VIBBERT          | 09-08-08    |
| 9 S           | 14 E | W.M. | 19  | SW SE | 1.2         | 4400    | VIBBERT & VIBBERT          | 09-08-08    |
| 9 S           | 14 E | W.M. | 30  | NE SW | 5.1         | 500     | VIBBERT & VIBBERT          | 09-08-08    |
| 12 S          | 12 E | W.M. | 25  | SW NE | 2.6         | 100     | HOLLINGER                  | 09-08-01-B1 |
| 12 S          | 12 E | W.M. | 25  | SE NE | 0.8         | 100     | HOLLINGER                  | 09-08-01-B1 |
| <b>TOTAL:</b> |      |      |     |       | <b>70.3</b> |         |                            |             |

6. Application T-10835 proposes to change the place of use to:

| TWP           | RNG  | MER  | SEC | Q - Q | ACRES       | Tax Lot | USER              | NOTICE #    |
|---------------|------|------|-----|-------|-------------|---------|-------------------|-------------|
| 9 S           | 14 E | W.M. | 18  | NW SE | 24.7        | 1100    | VIBBERT & VIBBERT | 09-08-08    |
| 9 S           | 14 E | W.M. | 18  | NW SE | 10.4        | 1100    | VIBBERT & VIBBERT | 09-08-10    |
| 9 S           | 14 E | W.M. | 18  | SW SE | 29.8        | 1100    | VIBBERT & VIBBERT | 09-08-09    |
| 9 S           | 14 E | W.M. | 18  | SW SE | 2.0         | 1100    | VIBBERT & VIBBERT | 09-08-10    |
| 12 S          | 12 E | W.M. | 25  | SW NE | 1.8         | 100     | HOLLINGER         | 09-08-01-B1 |
| 12 S          | 12 E | W.M. | 25  | SE NE | 1.6         | 100     | HOLLINGER         | 09-08-01-B1 |
| <b>TOTAL:</b> |      |      |     |       | <b>70.3</b> |         |                   |             |

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

**Certificate:** 72281, issued in the name of North Unit Irrigation District (perfected under Permit S-25921)

**Use:** Supplemental Irrigation

**Acres:** 22.6

**Priority Date:** June 23, 1955

**Rate & Duty:** Maximum of 1/40 cfs per acre, and 4.0 acre-feet per acre during the irrigation season of each year.

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

**Authorized Point of Diversion:**

| TWP  | RNG  | MER  | SEC | Q - Q | MEASURED DISTANCES   |
|------|------|------|-----|-------|--|
| 14 S | 13 E | W.M. | 13  | SW NE | 590 FEET NORTH AND 2790 FEET EAST FROM THE W¼ CORNER OF SECTION 13 |

**Authorized Place of Use:**

| TWP           | RNG  | MER  | SEC | Q - Q | ACRES       | Tax Lot | USER                       | NOTICE #    |
|---------------|------|------|-----|-------|-------------|---------|----------------------------|-------------|
| 11 S          | 13 E | W.M. | 21  | SE SE | 16.9        | 800     | CHERRY CREEK INVESTORS LLC | 09-08-21    |
| 11 S          | 13 E | W.M. | 22  | SW SW | 2.9         | 1402    | NUID                       | 09-08-01-B2 |
| 11 S          | 13 E | W.M. | 22  | SW SW | 2.8         | 1402    | NUID                       | 09-08-01-C  |
| <b>TOTAL:</b> |      |      |     |       | <b>22.6</b> |         |                            |             |

8. Transfer Application T-10835 proposes to change the place of use to:

| TWP           | RNG  | MER  | SEC | Q - Q | ACRES       | Tax Lot | USER              | NOTICE #    |
|---------------|------|------|-----|-------|-------------|---------|-------------------|-------------|
| 10 S          | 13 E | W.M. | 19  | SW NE | 16.9        | 502     | BEAMER            | 09-08-21    |
| 11 S          | 13 E | W.M. | 14  | SE NW | 2.8         | 1900    | KB MANAGEMENT LLC | 09-08-01-C  |
| 12 S          | 12 E | W.M. | 25  | SW NE | 2.6         | 100     | HOLLINGER         | 09-08-01-B2 |
| 12 S          | 12 E | W.M. | 25  | SE NE | 0.3         | 100     | HOLLINGER         | 09-08-01-B2 |
| <b>TOTAL:</b> |      |      |     |       | <b>22.6</b> |         |                   |             |

**Transfer Review Criteria (OAR 690-385-5000)**

10. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
12. The proposed change in place of use would not result in enlargement of the rights.
13. The proposed change in place of use would not result in injury to other water rights.


**Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-10835 satisfy the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed changes to the water rights evidenced by Certificates 72279, 72281 and 72283 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 72279, 72281 and 72283 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be completed on or before October 1, 2010.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2011.
6. Certificates 72279, 72281 and 72283 are modified. The Department will issue a superseding certificate on a determination that it is necessary for recordkeeping.

Dated at Salem, Oregon this 24<sup>th</sup> day of April, 2009.

  
 Phillip C. Ward, Director

Mailing Date: APR 29 2009