

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-9729, Deschutes County	)	CHANGES IN POINTS OF
	)	APPROPRIATION, PLACE OF USE
	)	AND CHARACTER OF USE

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  
P.O. Box 3699  
Sunriver, OR 97707

**Findings of Fact**

1. Sunriver Water LLC filed an application on May 19, 2004 to transfer the points of appropriation and places of use under Certificates 57066 and 81406. The Department assigned the application number T-9729. On August 4, 2005 Sunriver Water amended the transfer to include a character of use change. Sunriver Water LLC also proposes to cancel Certificate 81405.

2. The entirety of the first right to be transferred is as follows:

**Certificate:** 57066 in the name of Sunriver Properties, Inc. (An Oregon Corporation),  
(perfected under Permit G-5610)  
**Use:** Irrigation  
**Priority Date:** August 28, 1972  
**Quantity:** 0.13 cfs  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 3 acre-feet per acre per year  
**Acres:** 19.0  
**Source:** Sunriver Well #6 in the Deschutes River Basin

This is a final order in other than 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 137.004-0080 you may either 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.

**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
19	S	11	E	W.M.	31	SW SE	300 feet north & 20 feet east from the S1/4 corner of Section 31

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
19	S	11	E	W.M.	31	SW SE	19.00

3. The entirety of the second right to be transferred is as follows:

**Certificate:** 81406 in the name of Sunriver Water LLC (perfected under Permit G-9007)

**Use:** SUPPLEMENTAL Irrigation

**Priority Date:** November 21, 1979

**Quantity:** 1.02 cfs

**Rate/Duty:** 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Acres:** 81.9

**Source:** A well in the Deschutes River Basin

**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
19	S	11	E	W.M.	29	NW NE	1345 feet north and 80 feet east from the center ¼ corner of Section 29

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
19	S	11	E	W.M.	20	NE SW	0.1
19	S	11	E	W.M.	20	SE SW	1.7
19	S	11	E	W.M.	20	NE SE	0.2
19	S	11	E	W.M.	20	NW SE	7.9
19	S	11	E	W.M.	20	SW SE	8.1
19	S	11	E	W.M.	20	SE SE	2.0
19	S	11	E	W.M.	29	NE NE	5.4
19	S	11	E	W.M.	29	NW NE	5.0
19	S	11	E	W.M.	29	SW NE	11.3
19	S	11	E	W.M.	29	SE NE	10.4
19	S	11	E	W.M.	29	SE NW	2.3
19	S	11	E	W.M.	29	NE SW	5.8
19	S	11	E	W.M.	29	SE SW	0.6
19	S	11	E	W.M.	29	NE SE	2.6

Township		Range		Meridian	Sec	¼ ¼	Acres
19	S	11	E	W.M.	29	NW SE	2.8
19	S	11	E	W.M.	29	SW SE	5.7
19	S	11	E	W.M.	29	SE SE	4.4
19	S	11	E	W.M.	32	NW NE	5.1
19	S	11	E	W.M.	32	NE NW	0.5

4. Application T-9729 proposes to move the authorized points of appropriation of Certificate 57066 approximately 2.3 miles south from the existing point of appropriation in the Deschutes River basin to Well #12 and Well #13 located at:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
20	S	11	E	W.M.	8	NW NW	Well #12—215 feet south and 830 feet east from the NW corner of Section 8
20	S	11	E	W.M.	18	SE NE	Well #13—1370 feet south and 1220 feet west from the NE corner of Section 18

5. Application T-9729 proposes to change the place of use of the right under Certificate 57066 to:

Township		Range		Meridian	Sec	¼ ¼	Acres
20	S	11	E	W.M.	17	NW NW	1.1
20	S	11	E	W.M.	17	SW NW	4.5
20	S	11	E	W.M.	18	NE NE	6.1
20	S	11	E	W.M.	18	SE NE	7.3

6. Application T-9729 proposes to move the authorized points of appropriation of Certificate 81046 approximately 2.8 miles south from the existing point of appropriation in the Deschutes River basin to Well #12 and Well #13 located at:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
20	S	11	E	W.M.	8	NW NW	Well #12—215 feet south and 830 feet east from the NW corner of Section 8
20	S	11	E	W.M.	18	SE NE	Well #13—1370 feet south and 1220 feet west from the NE corner of Section 18

7. Application T-9729 proposes to change the place of use of the right under Certificate 81046 to:

Township		Range		Meridian	Sec	¼ ¼	Acres
20	S	11	E	W.M.	7	NE NE	7.6
20	S	11	E	W.M.	7	NW NE	10.0
20	S	11	E	W.M.	7	SW NE	11.3

Township		Range		Meridian	Sec	¼ ¼	Acres
20	S	11	E	W.M.	7	SE NE	5.8
20	S	11	E	W.M.	7	NE SE	6.4
20	S	11	E	W.M.	7	SE SE	11.2
20	S	11	E	W.M.	8	NW NW	3.3
20	S	11	E	W.M.	8	SW NW	4.0
20	S	11	E	W.M.	8	NW SW	8.5
20	S	11	E	W.M.	8	SW SW	7.7
20	S	11	E	W.M.	17	NW NW	6.1

8. Application T-9729 proposes to change the character of use of the right under Certificate 81046 from supplemental irrigation to primary irrigation.
9. On August 4, 2005 Sunriver Resort Limited Partnership submitted an affidavit to voluntarily cancel the following primary water right:
- Certificate:** 81405 in the name of Sunriver Water LLC (perfected under Permit 45205)  
**Use:** Irrigation  
**Priority Date:** January 29, 1980  
**Quantity:** 2.05 cfs  
**Rate/Duty:** 1/40 cfs per acre, not to exceed 4.0 acre-feet per acre per year  
**Acres:** 81.9  
**Source:** Sunriver Wastewater Treatment Plant in the Deschutes River Basin

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
19	S	11	E	W.M.	29	SE NW	510 feet north and 675 feet west from the center ¼ corner of Section 29

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
19	S	11	E	W.M.	20	NE SW	0.1
19	S	11	E	W.M.	20	SE SW	1.7
19	S	11	E	W.M.	20	NE SE	0.2
19	S	11	E	W.M.	20	NW SE	7.9
19	S	11	E	W.M.	20	SW SE	8.1
19	S	11	E	W.M.	20	SE SE	2.0
19	S	11	E	W.M.	29	NE NE	5.4
19	S	11	E	W.M.	29	NW NE	5.0
19	S	11	E	W.M.	29	SW NE	11.3
19	S	11	E	W.M.	29	SE NE	10.4

Township		Range		Meridian	Sec	¼ ¼	Acres
19	S	11	E	W.M.	29	SE NW	2.3
19	S	11	E	W.M.	29	NE SW	5.8
19	S	11	E	W.M.	29	SE SW	0.6
19	S	11	E	W.M.	29	NE SE	2.6
19	S	11	E	W.M.	29	NW SE	2.8
19	S	11	E	W.M.	29	SW SE	5.7
19	S	11	E	W.M.	29	SE SE	4.4
19	S	11	E	W.M.	32	NW NE	5.1
19	S	11	E	W.M.	32	NE NW	0.5

10. 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.
11. 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 right is subject to forfeiture under ORS 540.610.
12. Pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
13. The proposed change would uncouple a primary water right from an associated supplemental right (ORS 540.510). However, no enlargement of any water right will occur because the primary right, Certificate 81405, will be cancelled as part of this transfer. The supplemental water right has been used as a primary right until 2001 since no water was available under the primary right until 2001.
14. The proposed change would not result in injury to other water rights.

### Conclusions of Law

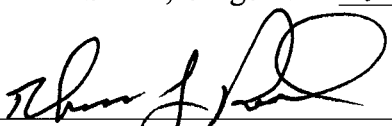
The changes in points of appropriation, place of use, character of use and cancellation proposed in application T-9729 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The changes in points of appropriation, place of use, and character of use proposed in application T-9729 are approved.
2. Water right certificate 81405 is cancelled.
3. The right to 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 57066 and 81406 and any related decree.

4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
6. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
7. The former place of use shall no longer be irrigated as part of this water right.
8. Prior to diverting water at the new points of appropriation, the water user shall install and maintain at each point of appropriation an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 27<sup>th</sup> day of DECEMBER, 2005.

  
For Phillip C. Ward  
Director

Mailing date: DEC 29 2005