

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

In the Matter of Instream Transfer	)	FINAL ORDER WITHDRAWING
Application T-12439 and Mitigation Credit	)	AN APPLICATION FOR A WATER
Project MP-213, Deschutes and Klamath	)	RIGHT INSTREAM TRANSFER AND
County, Oregon	)	MITIGATION CREDIT PROJECT

**Authority**

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

**Applicant**

WANEK RANCH, LLC  
PO BOX 1287  
LA PINE, OR 97739

**Agent**

GSI WATER SOLUTIONS  
1600 SW WESTERN BLVD.  
CORVALLIS, OR 97333

**Findings of Fact**

1. On July 22, 2016, Wanek Ranch, LLC filed an application to change the place of use and character of use under Certificate 90239 to instream use. The Department assigned the application number T-12439.

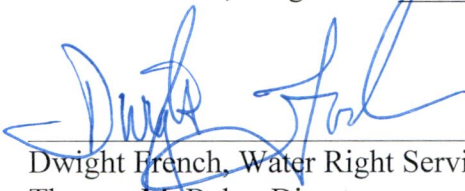
This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director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

2. The applicant also requested that this instream transfer be used to establish mitigation credits within the Deschutes Groundwater Study Area. The Department assigned the mitigation credit project number MP-213.
3. On February 27, 2019, Owen McMurtrey, GSI Water Solutions (agent for the applicant), submitted a written request on behalf of the applicant asking that Instream Transfer Application T-12439 and Mitigation Credit Project MP-213 be withdrawn.

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

Transfer Application T-12439, in the name of Wanek Ranch LLC, is withdrawn and of no further force or effect. Mitigation Credit Project MP-213 is also withdrawn and of no further force or effect.

Dated at Salem, Oregon this           MAR 08 2019          



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

Mailing date:           MAR 11 2019