# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-9720, Jefferson County	)	CHANGE FROM A SURFACE WATER
	)	POINT OF DIVERSION TO
	)	GROUNDWATER POINTS OF
	)	APPROPRIATION

# Authority

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

## Applicant

DESCHUTES VALLEY WATER DISTRICT 881 SW CULVER HIGHWAY MADRAS OR 97741

## **Findings of Fact**

#### Background

- 1. On May 3, 2004, DESCHUTES VALLEY WATER DISTRICT filed an application to transfer 18.94 cfs from the authorized point of diversion to three proposed points of appropriation under Permit S-36515. The Department assigned the application number T-9720.
- 2. On March 3, 2009, the application submitted a revised application to transfer 10.38 cfs from the authorized point of diversion to nine proposed points of appropriation under Certificate 83733.
- 3. The portion of the right to be transferred is as follows:

Certificate: 83733 in the name of DESCHUTES VALLEY WATER DISTRICT (perfected

under Permit S-36515)

Use: QUASI-MUNICIPAL USE

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.

Priority Date: DECEMBER 29, 1971 Rate: 10.38 CUBIC FEET PER SECOND

Source: OPAL SPRINGS, tributary to the CROOKED RIVER

#### **Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	12 E	WM	33	SW NE	1215.44 FEET NORTH AND
					1939.84 FEET WEST FROM THE
					E1/4 CORNER OF SECTION 33

#### Authorized Place of Use:

QUASI-MUNICIPAL USES							
Twp	Rng	Mer	Sec	Q-Q			
9 S	13 E	WM	14	SW 1/4			
9 S	13 E	WM	14	SW SE			
9 S	13 E	WM	15	NE SW			
9 S	13 E	WM	15	SE SW			
9 S	13 E	WM	15	SE 1/4			
9 S	13 E	WM	16	SE SW			
9 S	13 E	WM	16	SW SE			
9 S	13 E	WM	16	SE SE			
9 S	13 E	WM	20	SE NE			
9 S	13 E	WM	20	NE SE			
9 S	13 E	WM	20	SW SE			
9 S	13 E	WM	20	SE SE			
9 S	13 E	WM	21	ALL			
9 S	13 E	WM	22	ALL			
9 S	13 E	WM	23	ALL			
9 S	13 E	WM	24	SWNW			
9 S	13 E	WM	24	SW 1/4			
9 S	13 E	WM	24	NW SE			
9 S	13 E	WM	24	SW SE			
9 S	13 E	WM	25	W 1/2 W 1/2			
9 S	13 E	WM	26	ALL			
9 S	13 E	WM	27	ALL			
9 S	13 E	WM	28	ALL			
9 S	13 E	WM	29	E 1/2			
9 S	13 E	WM	32	NE 1/4			
9 S	13 E	WM	32	S 1/2			
9 S	13 E	WM	33	ALL			
9 S	13 E	WM	34	ALL			
9 S	13 E	WM	35	ALL			
9 S	13 E	WM	36	W 1/2 W 1/2			
9 S	14 E	WM	20	ALL			
9 S	14 E	WM	29	ALL			
9 S	14 E	WM	31	E 1/2			
9 S	14 E	WM	32	ALL			
10 S	13 E	WM	1	W ½ W ½			
10 S	13 E	WM	1	SE SW			
10 S	13 E	WM	1	SW SE			
10 S	13 E	WM	1	SE SE			

	QUASI-MU	NICIPA	L US	ES .
Twp	Rng	Mer	Sec	Q-Q
10 S	13 E	WM	2	ALL
10 S	13 E	WM	3	ALL
10 S	13 E	WM	4	ALL
10 S	13 E	WM	5	ALL
10 S	13 E	WM	8	NE 1/4
10 S	13 E	WM	8	S ½ NW
10 S	13 E	WM	8	SW 1/4
10 S	13 E	WM	8	SE 1/4
10 S	13 E	WM	9	
10 S	13 E			ALL
10 S	13 E	WM	10	ALL
		WM	11	ALL_
10 S	13 E	WM		ALL
10 S	13 E	WM	13	ALL
10 S	13 E	WM	14	ALL
10 S	13 E	WM	15	ALL
10 S	13 E	WM	16	ALL
10 S	13 E	WM	17	ALL
10 S	13 E	WM	18	NE NE
10 S	13 E	WM	18	SW NE
10 S	13 E	WM	18	SE NE
10 S	13 E	WM	18	SE 1/4
10 S	13 E	WM	19	E 1/2
10 S	13 E	WM	19	E ½ SW
10 S	13 E	WM	20	ALL
10 S	13 E	WM	21	ALL
10 S	13 E	WM	22	ALL
10 S	13 E	WM	23	ALL
10 S	13 E	WM	24	ALL
10 S	13 E	WM	25	ALL
10 S	13 E	WM	26_	ALL
10 S	13 E	WM	27	ALL
10 S	13 E	WM	28	ALL
10 S	13 E	WM	29	N ½
10 S	13 E	WM	29	NE SE
10 S	13 E	WM	29	NW SE
10 S	13 E	WM	29	SE SE
10 S	13 E	WM	30	NE ¼
10 S	13 E	WM	33	N ½
10 S	13 E	WM	33	NE SW
10 S	13 E	WM	33	SE SW
10 S	13 E	WM	33	SE 1/4
10 S	13 E	WM	34	ALL
10 S	13 E	WM	35	ALL
10 S	13 E	WM	36	ALL
10 S	14 E	WM	4	W 1/2
10 S	14 E	WM	5	ALL
10 S	14 E	WM	6	E 1/2
10 S	14 E	WM	6	SW SW
10 S	14 E	WM	6	SE SW
10 S	14 E	WM	7	ALL

0	UASI-MU	NICIPA	L USE	ES
Twp	Rng	Mer	Sec	Q-Q
10 S	14 E	WM	8	ALL
10 S	14 E	WM	9	W 1/2
10 S	14 E	WM	16	NW NE
10 S	14 E	WM	16	NW 1/4
10 S	14 E	WM	16	NE SW
10 S	14 E	WM	16	NW SW
10 S	14 E	WM	16	SWSW
10 S	14 E	WM	17	ALL
10 S	14 E	WM	18	ALL
10 S	14 E	WM	19	ALL
10 S	14 E	WM	20	N ½
10 S	14 E	WM	20	SW 1/4
10 S	14 E	WM	20	NW SE
10 S	14 E	WM	20	SW SE
10 S	14 E	WM	20	SE SE
10 S	14 E	WM	21	SW SW
10 S	14 E	WM	21	SE SW
10 S	14 E	WM	28	NE NW
10 S	14 E	WM	28	NW NW
10 S	14 E	WM	29	ALL
10 S	14 E	WM	30	
			31	ALL
10 S	14 E	WM	32	ALL ALL
10 S	14 E 12 E	WM		E ½
11 S		WM	1	
11 S	12 E	WM		E ½ W ½
11 S	12 E 12 E	WM	10 11	SE SE
11 S 11 S	12 E	WM	12	S ½ S ½
		WM		E 1/2
11 S 11 S	12 E	WM	12	E ½ W ½
	12 E	WM	13	SW SW
	12 E	WM		ALL
11 S	12 E	WM	14	N ½
11.5	12 E	WM	14	NE SW
11 S	12 E	WM	14	SE SW
11 S	12 E	WM	14	SE ¼
11 S	12 E	WM	22	SE NE
11 S	12 E	WM	22	NE SE
11 S	12 E	WM	23	E ½
11 S	12 E	WM	23	E ½ W ½
11 S	12 E	WM	23	SWNW
11 S	12 E	WM	23	NWSW
11 S	12 E	WM	24	ALL
11 S	12 E	WM	25	E ½
11 S	12 E	WM	25	E ½ W ½
11 S	12 E	WM	25	NW NW
11 S	12 E	WM	35	E ½ E ½
11 S	12 E	WM	35	SE SW
11 S	12 E	WM	35	SW SE
11 S	12 E	WM	36	ALL
11 S	13 E	WM	1	ALL

C	UASI-MUI	NICIPA	L USI	
Twp	Rng	Mer	Sec	Q-Q
11 S	13 E	WM	2	ALL
11 S	13 E	WM	3	ALL
11 S	13 E	WM	4	ALL
11 S	13 E	WM	6	W 1/2
11 S	13 E	WM	6	NW SE
11 S	13 E	WM	6	SW SE
11 S	13 E	WM	7	ALL
11 S	13 E	WM	8	ALL
11 S	13 E	WM	9	
11 S	13 E	WM	10	ALL
11 S	13 E			ALL
		WM	11	ALL
11 S	13 E	WM		ALL
11 S	13 E	WM	13	ALL
11 S	13 E	WM	14	ALL
11 S	13 E	WM	15	ALL
11 S	13 E	WM	16	ALL
11 S	13 E	WM	17	ALL
11 S	13 E	WM	18	ALL
11 S	13 E	WM	19	ALL
11 S	13 E	WM	20	ALL
11 S	13 E	WM	21	ALL
11 S	13 E	WM	22	ALL
11 S	13 E	WM	23	ALL
11 S	13 E	WM	24	ALL
11 S	13 E	WM	25	N ½
11 S	13 E	WM	25	NE SW
11 S	13 E	WM	25	NW SW
11 S	13 E	WM	25	SE 1/4
11 S	13 E	WM	26	ALL
11 S	13 E	WM	27	ALL
11 S	13 E	WM	28	ALL
11 S	13 E	WM	29	ALL
11 S	13 E	WM	30	ALL
11 S	13 E	WM	31	ALL
11 S	13 E	WM	32	ALL
11 S	13 E	WM	33	ALL
11 S	13 E	WM	34	NW NE
11 S	13 E	WM	34	SW NE
11 S	13 E	WM	34	W ½
11 S	13 E	WM	34	NW SE
11 S	13 E	WM	34	SW SE
11 S	13 E	WM	34	SE SE
11 S	13 E	WM	36	NE 1/4
11 S	13 E	WM	4	N ½ N ½
11 S	14 E	WM	5	N ½ N ½ N ½ N ½
	14 E		5	SW NW
11 S		WM		
11 S	14 E	WM	5	SE NW
11 S	14 E	WM	5	NW SW
11 S	14 E	WM	5	SWSW
11 S	14 E	WM	6	ALL

Twp         Rng         Mer         Sec         Q-Q           11 S         14 E         WM         7         NE NE           11 S         14 E         WM         7         NW NE           11 S         14 E         WM         7         W ½           11 S         14 E         WM         8         NW NW           11 S         14 E         WM         8         NE SW           11 S         14 E         WM         8         NE SW           11 S         14 E         WM         8         NW SW           11 S         14 E         WM         18         NW NW           11 S         14 E         WM         30         NW SW           11 S         14 E         WM         31         NW W           11 S         14 E         WM         31         NW W           11 S <t< th=""><th>0</th><th>UASI-MUN</th><th>NICIPA</th><th>L USE</th><th>ES</th></t<>	0	UASI-MUN	NICIPA	L USE	ES
11 S					
11 S         14 E         WM         7         NW NE           11 S         14 E         WM         7         W ½           11 S         14 E         WM         8         NW NW           11 S         14 E         WM         8         NW NW           11 S         14 E         WM         8         NW SW           11 S         14 E         WM         8         NW SW           11 S         14 E         WM         18         NW NW           11 S         14 E         WM         30         NW SW           11 S         14 E         WM         31         NW SW           11 S         14 E         WM         31         NW SW           12 S					
11 S         14 E         WM         7         W ½           11 S         14 E         WM         8         NW NW           11 S         14 E         WM         8         SW NW           11 S         14 E         WM         8         NE SW           11 S         14 E         WM         8         NW SW           11 S         14 E         WM         18         NW NW           11 S         14 E         WM         30         NW SW           11 S         12 E         WM         11         ALL           12 S					
11 S         14 E         WM         8         NW NW           11 S         14 E         WM         8         SW NW           11 S         14 E         WM         8         NE SW           11 S         14 E         WM         8         NW SW           11 S         14 E         WM         30         NW SW           11 S         14 E         WM         31         NW W           12 S         12 E         WM         21         ALL           12 S         12 E         WM         12         ALL           12 S         12 E         WM         23         NE SW           12 S					
11 S         14 E         WM         8         NE SW           11 S         14 E         WM         8         NE SW           11 S         14 E         WM         8         NW SW           11 S         14 E         WM         18         NW NW           11 S         14 E         WM         30         NW SW           11 S         14 E         WM         31         NW W           12 S         12 E         WM         21         ALL           12 S         12 E         WM         12         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         <					
11 S         14 E         WM         8         NE SW           11 S         14 E         WM         8         NW SW           11 S         14 E         WM         18         NW NW           11 S         14 E         WM         30         NW SW           11 S         14 E         WM         30         SW SW           11 S         14 E         WM         31         NW ¼           12 S         12 E         WM         1         ALL           12 S         12 E         WM         12         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         SE NW           12 S         12 E         WM         23         SE SW           12 S         12 E         WM         23         SE SW           12 S         <					
11 S					
11 S         14 E         WM         18         NW NW           11 S         14 E         WM         30         NW SW           11 S         14 E         WM         30         SW SW           11 S         14 E         WM         31         NW ¼           12 S         12 E         WM         1         ALL           12 S         12 E         WM         1         ALL           12 S         12 E         WM         11         E ½           12 S         12 E         WM         13         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         SE SW           12 S         12 E         WM         23         SE SW           12 S         12					
11 S         14 E         WM         30         NW SW           11 S         14 E         WM         30         SW SW           11 S         14 E         WM         31         NW ¼           12 S         12 E         WM         1         ALL           12 S         12 E         WM         1         ALL           12 S         12 E         WM         11         E ½           12 S         12 E         WM         13         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         SE SW           12 S         12 E         WM         24         ALL           12 S         12 E					
11 S         14 E         WM         30         SW SW           11 S         14 E         WM         31         NW ¼           12 S         12 E         WM         1         ALL           12 S         12 E         WM         1         ALL           12 S         12 E         WM         11         E ½           12 S         12 E         WM         12         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         SE SW           12 S         12 E         WM         23         SE SW           12 S         12 E         WM         25         ALL           12 S         12 E					
11 S         14 E         WM         31         NW ¼           12 S         12 E         WM         1         ALL           12 S         12 E         WM         1         ALL           12 S         12 E         WM         11         E ½           12 S         12 E         WM         13         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         25         ALL           12 S         12 E         WM         25         ALL           12 S         12 E					
12 S         12 E         WM         1         ALL           12 S         12 E         WM         2         E ½           12 S         12 E         WM         11         E ½           12 S         12 E         WM         12         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12					
12 S         12 E         WM         2         E ½           12 S         12 E         WM         11         E ½           12 S         12 E         WM         12         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S         12					
12 S         12 E         WM         11         E ½           12 S         12 E         WM         12         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S <td< td=""><td></td><td></td><td></td><td></td><td></td></td<>					
12 S         12 E         WM         12         ALL           12 S         12 E         WM         13         ALL           12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         36         N ½           12 S         12					
12 S         12 E         WM         13         ALL           12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         N ½           12 S         13 E<					
12 S         12 E         WM         14         E ½           12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         SE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         N W ½           12 S         13					
12 S         12 E         WM         23         E ½           12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         23         SE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE ½           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N½           12 S         12 E         WM         36         NW ½           12 S         13 E         WM         3         ALL           12 S         13 E <td></td> <td></td> <td></td> <td></td> <td></td>					
12 S         12 E         WM         23         NE NW           12 S         12 E         WM         23         SE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         N ½           12 S         13 E         WM         36         N W SE           12 S         13 E         WM         36         NW SE           12 S         13					
12 S         12 E         WM         23         SE NW           12 S         12 E         WM         23         NE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         NW ½           12 S         12 E         WM         36         NW ½           12 S         12 E         WM         36         NW ½           12 S         13 E         WM         3         ALL           12 S         13 E         WM         4         ALL           12 S         13 E <td></td> <td></td> <td></td> <td></td> <td></td>					
12 S         12 E         WM         23         NE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE VA           12 S         12 E         WM         33         E V2           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N V2           12 S         12 E         WM         36         NW V2           12 S         12 E         WM         36         NW V2           12 S         13 E         WM         36         NW V2           12 S         13 E         WM         36         NW V2           12 S         13 E         WM         30         ALL           12 S         13 E         WM         4         ALL           12 S         13					
12 S         12 E         WM         23         SE SW           12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         N W ½           12 S         12 E         WM         36         NW SE           12 S         13 E         WM         36         NW SE           12 S         13 E         WM         30         NW SE           12 S         13 E         WM         30         ALL           12 S         13 E         WM         4         ALL           12 S         13 E					
12 S         12 E         WM         24         ALL           12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE ¼           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N ½           12 S         13 E         WM         36         N W SE           12 S         13 E         WM         36         N W ½           12 S         13 E         WM         30         N W SE           12 S         13 E         WM         4         ALL           12 S         13 E <td></td> <td></td> <td></td> <td></td> <td></td>					
12 S         12 E         WM         25         ALL           12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE ¼           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         36         N ½           12 S         13 E         WM         36         N W SE           12 S         13 E         WM         36         N W SE           12 S         13 E         WM         4         ALL           12 S         13 E         WM         4         ALL           12 S         13 E         WM         5         ALL           12 S         13 E					
12 S         12 E         WM         26         ALL           12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE ¼           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         NW ½           12 S         12 E         WM         36         NW ½           12 S         13 E         WM         4         ALL           12 S         13 E         WM         4         ALL           12 S         13 E         WM         7         ALL           12 S         13 E					
12 S         12 E         WM         27         SE NE           12 S         12 E         WM         27         SE ¼           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         NW ½           12 S         12 E         WM         36         NW SE           12 S         13 E         WM         4         ALL           12 S         13 E         WM         4         ALL           12 S         13 E         WM         4         ALL           12 S         13 E         WM         7         ALL           12 S         13 E <td></td> <td></td> <td></td> <td></td> <td></td>					
12 S         12 E         WM         27         SE ¼           12 S         12 E         WM         33         E ½           12 S         12 E         WM         34         ALL           12 S         12 E         WM         35         ALL           12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         NW SE           12 S         12 E         WM         36         NW SE           12 S         13 E         WM         4         ALL           12 S         13 E         WM         4         ALL           12 S         13 E         WM         5         ALL           12 S         13 E         WM         7         ALL           12 S         13 E         WM         8         ALL           12 S         13 E         WM         10         ALL           12 S         13 E					
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12 S         12 E         WM         36         N ½           12 S         12 E         WM         36         SW ¼           12 S         12 E         WM         36         NW SE           12 S         13 E         WM         2         W ½           12 S         13 E         WM         3         ALL           12 S         13 E         WM         4         ALL           12 S         13 E         WM         5         ALL           12 S         13 E         WM         6         ALL           12 S         13 E         WM         7         ALL           12 S         13 E         WM         8         ALL           12 S         13 E         WM         10         ALL           12 S         13 E         WM         11         W ½           12 S         13 E         WM         11         NW SE           12 S         13 E					
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12 S       13 E       WM       2       W ½         12 S       13 E       WM       3       ALL         12 S       13 E       WM       4       ALL         12 S       13 E       WM       5       ALL         12 S       13 E       WM       6       ALL         12 S       13 E       WM       7       ALL         12 S       13 E       WM       9       ALL         12 S       13 E       WM       10       ALL         12 S       13 E       WM       11       W ½         12 S       13 E       WM       11       NW SE         12 S       13 E       WM       11       SE SE         12 S       13 E       WM       14       NE NE         12 S       13 E       WM       14       NW NE         12 S       13 E       WM       14       NW NE	12 S	12 E	WM	36	SW 1/4
12 S       13 E       WM       3       ALL         12 S       13 E       WM       4       ALL         12 S       13 E       WM       5       ALL         12 S       13 E       WM       6       ALL         12 S       13 E       WM       7       ALL         12 S       13 E       WM       8       ALL         12 S       13 E       WM       10       ALL         12 S       13 E       WM       11       W½         12 S       13 E       WM       11       NW SE         12 S       13 E       WM       11       SW SE         12 S       13 E       WM       11       SE SE         12 S       13 E       WM       14       NE NE         12 S       13 E       WM       14       NW NE         12 S       13 E       WM       14       SW NE			WM		
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12 S       13 E       WM       5       ALL         12 S       13 E       WM       6       ALL         12 S       13 E       WM       7       ALL         12 S       13 E       WM       8       ALL         12 S       13 E       WM       9       ALL         12 S       13 E       WM       10       ALL         12 S       13 E       WM       11       W ½         12 S       13 E       WM       11       NW SE         12 S       13 E       WM       11       SE SE         12 S       13 E       WM       14       NE NE         12 S       13 E       WM       14       NW NE         12 S       13 E       WM       14       SW NE		13 E	WM	3	ALL
12 S       13 E       WM       6       ALL         12 S       13 E       WM       7       ALL         12 S       13 E       WM       8       ALL         12 S       13 E       WM       9       ALL         12 S       13 E       WM       10       ALL         12 S       13 E       WM       11       W ½         12 S       13 E       WM       11       NW SE         12 S       13 E       WM       11       SE SE         12 S       13 E       WM       14       NE NE         12 S       13 E       WM       14       NW NE         12 S       13 E       WM       14       SW NE	12 S	13 E			ALL
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12 S     13 E     WM     7     ALL       12 S     13 E     WM     8     ALL       12 S     13 E     WM     9     ALL       12 S     13 E     WM     10     ALL       12 S     13 E     WM     11     W½       12 S     13 E     WM     11     NW SE       12 S     13 E     WM     11     SW SE       12 S     13 E     WM     11     SE SE       12 S     13 E     WM     14     NE NE       12 S     13 E     WM     14     NW NE       12 S     13 E     WM     14     SW NE	12 S	13 E	WM	6	ALL
12 S     13 E     WM     8     ALL       12 S     13 E     WM     9     ALL       12 S     13 E     WM     10     ALL       12 S     13 E     WM     11     W½       12 S     13 E     WM     11     NW SE       12 S     13 E     WM     11     SW SE       12 S     13 E     WM     11     SE SE       12 S     13 E     WM     14     NE NE       12 S     13 E     WM     14     NW NE       12 S     13 E     WM     14     SW NE	12 S	13 E		7	ALL
12 S     13 E     WM     9     ALL       12 S     13 E     WM     10     ALL       12 S     13 E     WM     11     W½       12 S     13 E     WM     11     NW SE       12 S     13 E     WM     11     SW SE       12 S     13 E     WM     11     SE SE       12 S     13 E     WM     14     NE NE       12 S     13 E     WM     14     NW NE       12 S     13 E     WM     14     SW NE				8	
12 S     13 E     WM     10     ALL       12 S     13 E     WM     11     W ½       12 S     13 E     WM     11     NW SE       12 S     13 E     WM     11     SW SE       12 S     13 E     WM     11     SE SE       12 S     13 E     WM     14     NE NE       12 S     13 E     WM     14     NW NE       12 S     13 E     WM     14     SW NE				9	
12 S     13 E     WM     11     W½       12 S     13 E     WM     11     NW SE       12 S     13 E     WM     11     SW SE       12 S     13 E     WM     11     SE SE       12 S     13 E     WM     14     NE NE       12 S     13 E     WM     14     NW NE       12 S     13 E     WM     14     SW NE				10	
12 S     13 E     WM     11     NW SE       12 S     13 E     WM     11     SW SE       12 S     13 E     WM     11     SE SE       12 S     13 E     WM     14     NE NE       12 S     13 E     WM     14     NW NE       12 S     13 E     WM     14     SW NE					
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12 S 13 E WM 14 NW NE 12 S 13 E WM 14 SW NE					
12 S 13 E WM 14 SW NE					

QUASI-MUNICIPAL USES						
Twp	Rng	Mer	Sec	Q-Q		
12 S	13 E	WM	14	NE SW		
12 S	13 E	WM	14	NW SW		
12 S	13 E	WM	14	SW SW		
12 S	13 E	WM	15	ALL		
12 S	13 E	WM	16	ALL		
12 S	13 E	WM	17	ALL		
12 S	13 E	WM	18	ALL		
12 S	13 E	WM	19	ALL		
12 S	13 E	WM	20	ALL		
12 S	13 E	WM	21	ALL		
12 S	13 E	WM	22	ALL		
12 S	13 E	WM	23	NWNW		
12 S	13 E	WM	23	SWNW		
12 S	13 E	WM	23	NWSW		
12 S	13 E	WM	23	SW SW		
12 S	13 E	WM	27	NE 1/4		
12 S	13 E	WM	27	NW 1/4		
12 S	13 E	WM	28	N 1/2		
12 S	13 E	WM	28	NE SW		
12 S	13 E	WM	28	NWSW		
12 S	13 E	WM	28	NE SE		
12 S	13 E	WM	28	NW SE		
12 S	13 E	WM	29	N 1/2		
12 S	13 E	WM	29	SW 1/4		
12 S	13 E	WM	29	N ⅓ SE		
12 S	13 E	WM	30	ALL		
12 S	13 E	WM	31	N 1/2 NW		
13 S	12 E	WM	1	N 1/2 NW		
13 S	12 E	WM	1	SWNW		
13 S	12 E	WM	1	W 1/2 SW		
13 S	12 E	WM	2	ALL		
13 S	12 E	WM	3	N 1/2		
13 S	12 E	WM	11	N ½		
13 S	12 E	WM	11	SE 1/4		
13 S	12 E	WM	12	W ½ W ½		
13 S	12 E	WM	13	NW NW		
13 S	12 E	WM	14	NE NE		

4. Transfer Application T- 9720 proposes to move the authorized surface water point of diversion to nine ground water points of appropriation less than 2,100 feet south:

Well ID	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well #1	12 S	12 E	WM	33	SW NE	815 FEET NORTH AND 2,023 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #2	12 S	12 E	WM	33	SW NE	545 FEET NORTH AND 1,960 FEET WEST
Well #3	12 S	12 E	WM	33	NW SE	FROM THE E1/4 CORNER OF SECTION 33 78 FEET SOUTH AND 1,890 FEET WEST
	.20	.2.2			52	FROM THE E1/4 CORNER OF SECTION 33
Well #4	12 S	12 E	WM	33	NW SE	503 FEET SOUTH AND 1,833 FEET WEST FROM THE E1/4 CORNER OF SECTION 33

Well ID	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well #5	12 S	12 E	WM	33	SW NE	304 FEET NORTH AND 1,856 FEET WEST
						FROM THE E1/4 CORNER OF SECTION 33
Well #6	12 S	12 E	WM	33	NW SE	790 FEET SOUTH AND 1,869 FEET WEST
						FROM THE E1/4 CORNER OF SECTION 33
Well #7	12 S	12 E	WM	33	SW NE	815 FEET NORTH AND 2,164 FEET WEST
						FROM THE E1/4 CORNER OF SECTION 33
Well #8	12 S	12 E	WM	33	SW NE	475 FEET NORTH AND 2,169 FEET WEST
						FROM THE E1/4 CORNER OF SECTION 33
Well #9	12 S	12 E	WM	33	SW NE	220 FEET NORTH AND 2,203 FEET WEST
						FROM THE E1/4 CORNER OF SECTION 33

- 5. Notice of the application for transfer was published on May 25, 2004, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 6. On July 6, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-9720 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 10, 2009, 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 and agent are authorized to pursue the transfer by the deadline.
- 7. On August 11, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-9720 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 August 11, 2009, and in the Madras Pioneer newspaper on August 26 and September 2 and 9, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

## Transfer Review Criteria [OAR 690-380-4010(2)]

- 8. Water has been used within the five-year period prior to submittal of the original transfer application 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.
- 9. The proposed wells meet the requirements of ORS 540.531 and are hydraulically connected to the authorized surface water source as per OAR 690-380-2130(3).
- 10. The proposed change would not result in enlargement of the right.
- 11. The proposed change would not result in injury to other water rights.

#### Conclusions of Law

The change from a surface water point of diversion to ground water points of appropriation proposed in Transfer Application T-9720 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000.

### Now, therefore, it is ORDERED:

- 1. The change from a surface water point of diversion to ground water points of appropriation proposed in application T-9720 is approved.
- 2. Water right certificate 83733 is cancelled.
- 3. 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 83733 and any related decree.
- 4. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.
- 5. The wells from which water is taken under the right shall be constructed so that the use of the wells will affect the authorized surface water source.
- 6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.
- 7. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new points of appropriation shall be subordinate to the existing right injured by the transfer.
- 8. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.
- 9. 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.
  - 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.
- 10. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. 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 change and full beneficial use of the water.

	y proof of the completed change is received, a new certificate confirming red will be issued.
Dated at Salem, Oreg	on this 19th day of Delolen 2009.
Phillip C. Ward, Dire	ctor pr
Mailing date:	OCT 2 1 2009