

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
28 S	6 W	WM	29	NE NW	51

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
28 S	6 W	WM	20	SW SW	51	2.18
28 S	6 W	WM	20	SE SW	51	9.97
28 S	6 W	WM	29	NE NW	51	8.45
28 S	6 W	WM	29	NW NW	51	19.24
28 S	6 W	WM	29	SW NW	51	10.91

3. Transfer Application T-8364 proposes to move the point of diversion approximately 0.25 mile downstream from the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	6 W	WM	21	SE SW	1040 FEET NORTH AND 1360 FEET EAST FROM THE SW CORNER OF SECTION 21

4. Transfer Application T-8364 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Additional location information
28 S	6 W	WM	15	SW NW	
28 S	6 W	WM	15	NW SW	
28 S	6 W	WM	15	SE SW	
28 S	6 W	WM	16	NE NE	
28 S	6 W	WM	16	NW NE	
28 S	6 W	WM	16	NE NW	
28 S	6 W	WM	16	NW NW	
28 S	6 W	WM	16	NE SW	
28 S	6 W	WM	16	NW SW	
28 S	6 W	WM	16	SW SW	
28 S	6 W	WM	16	SE SW	
28 S	6 W	WM	16	NE SE	
28 S	6 W	WM	16	NW SE	
28 S	6 W	WM	16	SW SE	
28 S	6 W	WM	16	SE SE	
28 S	6 W	WM	17	NE NE	
28 S	6 W	WM	17	NW NE	
28 S	6 W	WM	17	SW NE	
28 S	6 W	WM	17	SE NE	
28 S	6 W	WM	17	NW NW	
28 S	6 W	WM	17	SW NW	
28 S	6 W	WM	17	NE SW	
28 S	6 W	WM	17	NW SW	
28 S	6 W	WM	17	SW SW	
28 S	6 W	WM	17	SE SW	
28 S	6 W	WM	17	NE SE	

Twp	Rng	Mer	Sec	Q-Q	Additional location information
28 S	6 W	WM	17	NW SE	
28 S	6 W	WM	17	SW SE	
28 S	6 W	WM	17	SE SE	
28 S	6 W	WM	18	NE NE	
28 S	6 W	WM	18	NW NE	
28 S	6 W	WM	18	SW NE	
28 S	6 W	WM	18	SE NE	
28 S	6 W	WM	18	NE NW	
28 S	6 W	WM	18	SE NW	
28 S	6 W	WM	18	NE SW	
28 S	6 W	WM	18	SE SW	
28 S	6 W	WM	18	NE SE	
28 S	6 W	WM	18	NW SE	
28 S	6 W	WM	18	SW SE	
28 S	6 W	WM	18	SE SE	
28 S	6 W	WM	19	NE NE	
28 S	6 W	WM	19	NW NE	
28 S	6 W	WM	19	SW NE	
28 S	6 W	WM	19	SE NE	
28 S	6 W	WM	19	NE SW	
28 S	6 W	WM	19	NW SW	
28 S	6 W	WM	19	SW SW	
28 S	6 W	WM	19	SE SW	
28 S	6 W	WM	19	NE SE	
28 S	6 W	WM	19	NW SE	
28 S	6 W	WM	19	SW SE	
28 S	6 W	WM	19	SE SE	
28 S	6 W	WM	20	NE NE	
28 S	6 W	WM	20	NW NE	
28 S	6 W	WM	20	SW NE	
28 S	6 W	WM	20	SE NE	
28 S	6 W	WM	20	NE NW	
28 S	6 W	WM	20	NW NW	
28 S	6 W	WM	20	SW NW	
28 S	6 W	WM	20	SE NW	
28 S	6 W	WM	20	NE SW	
28 S	6 W	WM	20	NW SW	
28 S	6 W	WM	20	SW SW	
28 S	6 W	WM	20	SE SW	
28 S	6 W	WM	20	NE SE	
28 S	6 W	WM	20	NW SE	
28 S	6 W	WM	20	SW SE	
28 S	6 W	WM	21	NE NE	
28 S	6 W	WM	21	NW NE	
28 S	6 W	WM	21	SW NE	
28 S	6 W	WM	21	SE NE	
28 S	6 W	WM	21	NE NW	
28 S	6 W	WM	21	NW NW	
28 S	6 W	WM	21	SW NW	
28 S	6 W	WM	21	SE NW	

Twp	Rng	Mer	Sec	Q-Q	Additional location information
28 S	6 W	WM	21	NE SW	
28 S	6 W	WM	21	NW SW	
28 S	6 W	WM	21	SW SW	
28 S	6 W	WM	21	SE SW	
28 S	6 W	WM	21	NE SE	
28 S	6 W	WM	21	NW SE	
28 S	6 W	WM	21	SW SE	
28 S	6 W	WM	21	SE SE	
28 S	6 W	WM	22	NE NW	
28 S	6 W	WM	22	NW NW	
28 S	6 W	WM	22	SW NW	
28 S	6 W	WM	22	SE NW	
28 S	6 W	WM	22	NE SW	
28 S	6 W	WM	22	NW SW	
28 S	6 W	WM	22	SW SW	
28 S	6 W	WM	22	SE SW	
28 S	6 W	WM	27	NW NW	
28 S	6 W	WM	27	SW NW	
28 S	6 W	WM	28	NE NE	
28 S	6 W	WM	28	NW NE	
28 S	6 W	WM	28	SW NE	
28 S	6 W	WM	28	SE NE	
28 S	6 W	WM	28	NE NW	
28 S	6 W	WM	28	NW NW	
28 S	6 W	WM	28	SW NW	
28 S	6 W	WM	28	SE NW	
28 S	6 W	WM	29	NE NE	
28 S	6 W	WM	29	SE NE	
28 S	6 W	WM	29	NW NW	
28 S	6 W	WM	29	SW NW	
28 S	6 W	WM	29	NE SW	
28 S	6 W	WM	29	NE SE	
28 S	6 W	WM	29	SW SE	
28 S	6 W	WM	29	SE SE	
28 S	6 W	WM	30	NE NE	
28 S	6 W	WM	30	NW NE	
28 S	6 W	WM	30	SW NE	
28 S	6 W	WM	30	SE NE	
28 S	6 W	WM	30	NE SE	
28 S	6 W	WM	30	NW SE	
28 S	6 W	WM	31	SW NE	
28 S	6 W	WM	31	SE NE	
28 S	6 W	WM	31	NE SE	
28 S	6 W	WM	31	NW SE	
28 S	6 W	WM	32	NE NE	
28 S	6 W	WM	32	NW NE	
28 S	6 W	WM	32	SW NE	
28 S	6 W	WM	32	SE NE	
28 S	6 W	WM	32	NE NW	
28 S	6 W	WM	32	NW NW	

Twp	Rng	Mer	Sec	Q-Q	Additional location information
28 S	6 W	WM	32	SW NW	
28 S	6 W	WM	32	SE NW	
28 S	6 W	WM	32	NE SW	
28 S	6 W	WM	32	NW SW	
28 S	6 W	WM	32	SW SW	
28 S	6 W	WM	32	SE SW	
28 S	6 W	WM	32	NE SE	
28 S	6 W	WM	32	NW SE	
28 S	6 W	WM	32	SW SE	
28 S	6 W	WM	32	SE SE	
28 S	6 W	WM	33	NE NW	South of river
28 S	6 W	WM	33	NW NW	South of river
28 S	6 W	WM	33	SW NW	South of river
28 S	6 W	WM	33	SE NW	South of river
28 S	6 W	WM	33	NE SW	South of river
28 S	6 W	WM	33	NW SW	South of river
28 S	6 W	WM	33	SW SW	South of river
28 S	6 W	WM	33	SE SW	South of river
28 S	6 W	WM	33	NE SE	South of river
28 S	6 W	WM	33	NW SE	South of river
28 S	6 W	WM	33	SW SE	South of river
28 S	6 W	WM	33	SE SE	South of river
29 S	6 W	WM	3	NE NW	South of river
29 S	6 W	WM	3	NW NW	South of river
29 S	6 W	WM	3	SW NW	South of river
29 S	6 W	WM	3	SE NW	South of river
29 S	6 W	WM	3	NE SW	South of river
29 S	6 W	WM	3	NW SW	South of river
29 S	6 W	WM	3	SW SW	South of river
29 S	6 W	WM	3	SE SW	South of river
29 S	6 W	WM	4	NE NW	
29 S	6 W	WM	4	NW NW	
29 S	6 W	WM	4	SW NW	
29 S	6 W	WM	4	SE NW	
29 S	6 W	WM	4	NE SW	
29 S	6 W	WM	4	NW SW	
29 S	6 W	WM	4	SW SW	
29 S	6 W	WM	4	SE SW	
29 S	6 W	WM	4	NE SE	
29 S	6 W	WM	4	NW SE	
29 S	6 W	WM	4	SW SE	
29 S	6 W	WM	4	SE SE	
29 S	6 W	WM	5	NE NE	
29 S	6 W	WM	5	NW NE	
29 S	6 W	WM	5	SW NE	
29 S	6 W	WM	5	SE NE	
29 S	6 W	WM	5	NE NW	
29 S	6 W	WM	5	NW NW	
29 S	6 W	WM	5	SW NW	
29 S	6 W	WM	5	SE NW	

Twp	Rng	Mer	Sec	Q-Q	Additional location information
29 S	6 W	WM	6	NE NE	East of Kent Creek Rd.
29 S	6 W	WM	6	NW NE	
29 S	6 W	WM	6	SW NE	East of Kent Creek Rd.
29 S	6 W	WM	6	SE NE	East of Kent Creek Rd.
29 S	6 W	WM	6	NE SE	East of Kent Creek Rd.
29 S	6 W	WM	6	NW SE	East of Kent Creek Rd.
29 S	6 W	WM	6	SW SE	East of Kent Creek Rd.
29 S	6 W	WM	6	SE SE	East of Kent Creek Rd.
29 S	6 W	WM	7	NW NE	
29 S	6 W	WM	7	NE NW	
29 S	6 W	WM	9	NE NE	
29 S	6 W	WM	9	NW NE	
29 S	6 W	WM	9	SW NE	
29 S	6 W	WM	9	SE NE	
29 S	6 W	WM	9	NE NW	
29 S	6 W	WM	9	NW NW	
29 S	6 W	WM	9	SW NW	
29 S	6 W	WM	9	SE NW	
29 S	6 W	WM	9	NE SW	
29 S	6 W	WM	9	NW SW	
29 S	6 W	WM	9	SW SW	
29 S	6 W	WM	9	SE SW	
29 S	6 W	WM	9	NE SE	
29 S	6 W	WM	9	NW SE	
29 S	6 W	WM	9	SW SE	
29 S	6 W	WM	9	SE SE	
29 S	6 W	WM	10	NE NW	
29 S	6 W	WM	10	NW NW	
29 S	6 W	WM	10	SW NW	
29 S	6 W	WM	10	SE NW	
29 S	6 W	WM	10	NE SW	
29 S	6 W	WM	10	NW SW	
29 S	6 W	WM	10	SW SW	
29 S	6 W	WM	10	SE SW	
29 S	6 W	WM	15	NE NW	
29 S	6 W	WM	15	NW NW	
29 S	6 W	WM	15	SW NW	
29 S	6 W	WM	15	SE NW	
29 S	6 W	WM	15	NE SW	
29 S	6 W	WM	15	NW SW	
29 S	6 W	WM	15	NE SE	
29 S	6 W	WM	15	NW SE	
29 S	6 W	WM	15	SW SE	
29 S	6 W	WM	15	SE SE	
29 S	6 W	WM	16	NE NE	
29 S	6 W	WM	16	NW NE	
29 S	6 W	WM	16	SW NE	
29 S	6 W	WM	16	SE NE	
29 S	6 W	WM	16	NE NW	
29 S	6 W	WM	16	NW NW	

Twp	Rng	Mer	Sec	Q-Q	Additional location information
29 S	6 W	WM	16	SW NW	
29 S	6 W	WM	16	SE NW	
29 S	6 W	WM	16	NE SW	
29 S	6 W	WM	16	NW SW	
29 S	6 W	WM	16	SW SW	
29 S	6 W	WM	16	SE SW	
29 S	6 W	WM	16	NE SE	
29 S	6 W	WM	16	NW SE	
29 S	6 W	WM	16	SW SE	
29 S	6 W	WM	21	NW NE	
29 S	6 W	WM	21	SW NE	
29 S	6 W	WM	21	SE NE	
29 S	6 W	WM	21	NE NW	
29 S	6 W	WM	21	NW NW	
29 S	6 W	WM	21	SW NW	
29 S	6 W	WM	21	SE NW	
29 S	6 W	WM	21	NE SW	
29 S	6 W	WM	21	NW SW	
29 S	6 W	WM	21	SW SW	
29 S	6 W	WM	21	SE SW	
29 S	6 W	WM	22	NE NE	
29 S	6 W	WM	22	NW NE	
29 S	6 W	WM	22	SW NE	
29 S	6 W	WM	22	SE NE	
29 S	6 W	WM	22	NE SE	
29 S	6 W	WM	22	NW SE	
29 S	6 W	WM	23	NW NW	

5. Transfer Application T-8364 proposes to change the character of use to municipal uses.
6. Notice of the application for transfer was published on December 7, 1999, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. Newspaper notice should have been previously published pursuant to 690-015-0080(1) however; the record does not contain an affidavit of publication. The notice was provided to the applicant on September 20, 2000.
8. On December 19, 2000, the Department received information from Dole, Coalwell, Clark, Mountainspring and Mornarich, P.C. stating their firms represent Nichols Bros., Inc., and others who hold liens on lands associated with Transfer Application T-8364. Additionally, they supplied copies of a trust deed and a contract of sale held by Nichols Bros., Inc., which encumber some or all of the lands proposed to be affected by Transfer Application T-8364.
9. On January 5, 2001, the Department mailed a letter informing the applicant of the information received from Dole, Coalwell, Clark, Mountainspring and Mornarich, P.C. The letter also informed the applicant of the objection of Nichols Brothers, Inc., to the proposed transfer. Furthermore, the letter informed the applicants that pursuant to OAR 690-15-060(14), being the administrative rules in effect at the time, that if encumbrances exist

against the property to which the existing right is appurtenant, the application shall be accompanied by a signed statement from the holder of the encumbrance that there is no objection to the proposed change.

10. On July 16, 2007, the Department contacted the Douglas County Assessor's office to determine current ownership of the lands involved in Transfer Application T-8364. The Assessor's office report indicated that Nichols Brothers, Inc., and Resort Towns International are the current owners of record for the land appurtenant to Certificate 22368.
11. On July 16, 2007, the Department mailed a letter to the applicant requesting submittal of notarized statements from the lien holders be forwarded to the Department no later than September 17, 2007. To date, no signed statement has been received by the Department.
12. On July 23, 2007, the letter referenced in Finding of Fact #11 was returned by the U. S. Postal Service as undeliverable. An attempt to locate an updated address or telephone number of the applicant was unsuccessful. An inquiry to the State of Oregon's Business Registry Business Name Search indicated that the entity named Truad Ventures, Inc., was inactive. Additionally, information was gleaned from this resource that the company had filed Articles of Dissolution.
13. On September 12, 2007, the Department made telephone contact with Loran Waldron of Land and Water Environmental Service, Inc. who had, at one time, been acting as an agent for the applicant. Mr. Waldron indicated that the entity known as Truad Ventures no longer exists and that his organization is no longer acting as agent for this application.
14. On September 17, 2007, the Department mailed a copy of the *draft* Preliminary Determination proposing to deny Transfer Application T-8364 to the applicant. The cover letter that accompanied the *draft* Preliminary Determination set forth a deadline of October 15, 2007, for the applicant to respond with comments. The applicant did not respond with any comments by the deadline.
15. On October 2, 2007, the Department mailed a letter to current landowner Resort Towns International, explaining the changes proposed in transfer application T-8364 and the Department's proposed action to deny the transfer application.
16. On October 22, 2007, the Department issued a Preliminary Determination proposing to deny Transfer Application T-8364 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 October 30, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
17. On October 29, 2007, the Department received a FAX from Frank Laulainen, CEO of Franco Polo Design Resort Towns International, stating opposition to the changes proposed in T-8364. Mr. Laulainen expressed the landowner's intention to continue exercising the water right as currently authorized, and support for the Department's proposed action to deny the transfer.

18. As identified in Findings of Fact #7, 8 and 9 above, the transfer application does not meet standards for completeness as per ORS 540.520, OAR Chapter 690, Division 15 which were in effect at the time of filing, nor does it meet OAR Chapter 690, Division 380 completeness standards currently in effect.

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

19. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

20. A pump, pipeline, and sprinkler 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-8364.

21. The record does not contain sufficient information for the Department to determine whether the proposed change would not result in enlargement of the right.

22. The record does not contain sufficient information for the Department to determine whether the proposed change would not result in injury to other water rights.

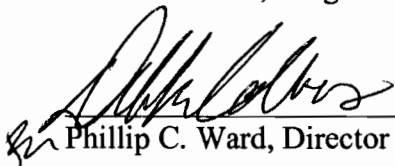
Conclusions of Law

The changes in point of diversion, place of use and character of use proposed in Transfer Application T-8364 are NOT consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380 for completeness.

Now, therefore it is ORDERED:

Transfer Application T-8364 is **denied**. The application is of no further force or effect.

Dated at Salem, Oregon this 30 day of November, 2007.


Phillip C. Ward, Director

Mailing date: DEC 05 2007