

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

In the Matter of Transfer Application
T-9074 to Change a Point of Appropriation,
Deschutes County, Oregon

FINAL ORDER APPROVING A
TRANSFER

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 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

Cascade Meadow Ranch Association
P.O. Box 687
Sisters, Oregon 97759

Findings of Fact

Cascade Meadow Ranch Association filed an application to transfer one of the points of appropriation under Certificate 80465 to a new well. The Department assigned the application number T-9074.

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

Certificate: 80465 in the name of Cascade Meadow Ranch Association
Use: Irrigation and maintenance of two ponds for aesthetics
Priority Date: January 13, 1988
Quantity: 2.25 cfs; being 1.92 cfs for irrigation and 0.33 cfs for aesthetics
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Acres: 153.22
Source: Well #2 in Indian Ford Creek Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
14	S	10	E	W.M.	29	NE SW			76 feet south and 2302 feet east from the W¼ corner of Section 29

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order other than a 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres	Use
14	S	10	E	W.M.	29	SW NW			28.00	Irrigation
14	S	10	E	W.M.	29	SE NW			16.60	Irrigation
14	S	10	E	W.M.	29	NE SW			26.60	Irrigation
14	S	10	E	W.M.	29	NW SW			17.39	Irrigation & aesthetics
14	S	10	E	W.M.	30	SE NE			23.10	Irrigation
14	S	10	E	W.M.	30	NE SE			23.65	Irrigation
14	S	10	E	W.M.	30	SE SE			17.88	Irrigation & aesthetics

Application T-9074 proposes to move the authorized point of appropriation approximately 100 feet west in the Indian Ford Creek Basin to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
14	S	10	E	W.M.	29	NE SW			76 feet south and 2202 feet east from the W¼ corner of Section 29

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 notices.

Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

A pump, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

The proposed change would not result in enlargement of the right.

The proposed change would not result in injury to other water rights.

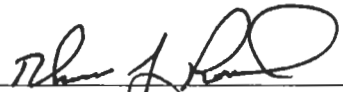
Conclusions of Law

1. The transfer application submitted by Cascade Meadow Ranch Association filed included the information required by ORS 540.520(2).
2. The transfer application submitted by Cascade Meadow Ranch Association was accompanied by the appropriate fees as set forth in ORS 536.050.
3. The water right affected by the proposed transfer is a water use subject to transfer pursuant to ORS 540.505.
4. The proposed transfer complies with the requirements of ORS 540.520.
5. The changes proposed in application T-9074, conditioned as described below, can be effected without injury to other water rights.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in application T-9074 is approved.
2. Water right certificate 80465 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 80465.
4. The quantity of water diverted at the new point of appropriation (well), shall not exceed the quantity of water lawfully available from the original point of appropriation.
5. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. The changes shall be completed on or before October 1, 2005.
8. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the water user to the Department by October 1, 2006.
9. Upon completion of the transfer, original Well #2 shall no longer be used as a source under water right Certificate 80465, however the well must be either maintained or properly abandoned in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.
10. When satisfactory proof of the completed changes to the water right is received, a new certificate will be issued describing the transferred water right. All the terms and conditions of the right perfected under Permit G-11117 shall be included in the new certificate.

Dated at Salem, Oregon this 17th day of May, 2004.



Paul R. Cleary
Director