

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-13078, Deschutes County) CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

COWAN FAMILY TRUST
CYNTHIA COWAN
17990 2ND AVE
BEND, OR 97703

Receiving Landowner

JAMES S. AND ALISSA J. COWAN
2031 NE YORK CIRCLE #1
BEND, OR 97701

Findings of Fact

1. On December 21, 2018, COWAN FAMILY TRUST, CYNTHIA COWAN filed an application to change the place of use under Certificate 80799. The Department assigned the application number T-13078.
2. JAMES S. AND ALISSA J. COWAN are the receiving landowners who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on January 1, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On February 12, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13078 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 13, 2019, for the applicants to respond. The applicants requested that the Department proceed with issuance of a

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.

Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

5. On March 26, 2019, the applicants submitted a revision of Table 2 for the application, reflecting the desire to only transfer the place of use of 10.0 acres.
6. On June 4, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13078 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 June 4, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The right to be transferred is as follows:

Certificate: 80799 in the name of JAMES AND NANCY COWAN (perfected under Permit G-12879)
Use: IRRIGATION OF 10.0 ACRES
Priority Date: OCTOBER 18, 1994
Rate: 0.125 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the Deschutes BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	10 E	WM	2	NE SE	1143 FEET SOUTH AND 474 FEET WEST FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
16 S	10 E	WM	2		1	0.4
16 S	10 E	WM	2	NE SE		4.7
16 S	10 E	WM	2	NW SE		0.7
16 S	10 E	WM	2	SW SE		1.4
16 S	10 E	WM	2	SE SE		2.8
TOTAL						10.0

8. Transfer Application T-13078 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	10 E	WM	2	SW SE	10.0
TOTAL					10.0

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years prior to the submittal of Transfer Application T-13078 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.
10. 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-13078.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

The change in place of use proposed in Transfer Application T-13078 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13078 is approved.
2. 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 80799 and any related decree.
3. Water right Certificate 80799 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right 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.

6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Signed at Salem, Oregon on AUG 01 2019 .



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: AUG 02 2019