

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-13228, Hood River County) CHANGE IN PLACE OF USE

Authority

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

Applicant

MEADOWS UTILITIES, INC.
C/O STEVE WARILA
PO BOX 470
MT. HOOD, OR 97041

Findings of Fact

1. On July 23, 2019, MEADOWS UTILITIES, INC., C/O STEVE WARILA filed an application to change the place of use under Certificate 48445. The Department assigned the application number T-13228.
2. Notice of the application for transfer was published on July 30, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 17, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Department requested that the deficiency be resolved by October 16, 2019. The applicant submitted a revised Table 2, resolving the deficiency the same day.
4. On October 17, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13228 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 18, 2019, for the applicant to respond. The applicant 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 November 19, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13228 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 November 19, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The right to be transferred is as follows:

Certificate: 48445 in the name of MT. HOOD MEADOWS DEVELOPMENT CORP.
(perfected under Permit S-38081)
Use: SKI FACILITY AND FIRE SUPPRESSION
Priority Date: FEBRUARY 9, 1973
Rate: 0.22 CUBIC FOOT PER SECOND (CFS), BEING 0.21 CFS FOR SKI FACILITY AND 0.01 CFS FOR FIRE SUPPRESSION SYSTEM
Source: UNNAMED SPRING, a tributary of EAST FORK HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 E	WM	4	SE NE	SPRING - 2730 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 4

Authorized Place of Use:

SKI FACILITY AND FIRE SUPPRESSION				
Twp	Rng	Mer	Sec	Q-Q
3 S	9 E	WM	3	SW SW
3 S	9 E	WM	4	SE SE

7. Transfer Application T-13228 proposes to change the place of use of the right to:

SKI FACILITY AND FIRE SUPPRESSION				
Twp	Rng	Mer	Sec	Q-Q
2 S	9 E	WM	27	SE SE
2 S	9 E	WM	28	SW SW
2 S	9 E	WM	28	SE SW
2 S	9 E	WM	28	SW SE
2 S	9 E	WM	28	SE SE
2 S	9 E	WM	33	NE NE
2 S	9 E	WM	33	NW NE
2 S	9 E	WM	33	SW NE
2 S	9 E	WM	33	SE NE
2 S	9 E	WM	33	NE NW
2 S	9 E	WM	33	NW NW
2 S	9 E	WM	33	SW NW
2 S	9 E	WM	33	SE NW
2 S	9 E	WM	33	NE SW
2 S	9 E	WM	33	NW SW
2 S	9 E	WM	33	SW SW
2 S	9 E	WM	33	SE SW
2 S	9 E	WM	33	NE SE

SKI FACILITY AND FIRE SUPPRESSION				
Typ	Rng	Mer	Sec	Q-Q
2S	9E	WM	33	NW SE
2S	9E	WM	33	SW SE
2S	9E	WM	33	SE SE
2S	9E	WM	34	SE NE
2S	9E	WM	34	NE NW
2S	9E	WM	34	NW NW
2S	9E	WM	34	SW NW
2S	9E	WM	34	SE NW
2S	9E	WM	34	NE SW
2S	9E	WM	34	NW SW
2S	9E	WM	34	SW SW
2S	9E	WM	34	SE SW
2S	9E	WM	34	NE SE
2S	9E	WM	34	NW SE
2S	9E	WM	34	SW SE
2S	9E	WM	34	SE SE
2S	9E	WM	35	SW SW
3S	9E	WM	2	NW NW
3S	9E	WM	2	SW NW
3S	9E	WM	2	NW SW
3S	9E	WM	2	SW SW
3S	9E	WM	2	SE SW
3S	9E	WM	3	NE NE
3S	9E	WM	3	NW NE
3S	9E	WM	3	SW NE
3S	9E	WM	3	SE NE
3S	9E	WM	3	NE NW
3S	9E	WM	3	NW NW
3S	9E	WM	3	SW NW
3S	9E	WM	3	SE NW
3S	9E	WM	3	NE SW
3S	9E	WM	3	NW SW
3S	9E	WM	3	SW SW
3S	9E	WM	3	SE SW
3S	9E	WM	3	NE SE
3S	9E	WM	3	NW SE
3S	9E	WM	3	SW SE
3S	9E	WM	3	SE SE
3S	9E	WM	4	NE NE
3S	9E	WM	4	NW NE
3S	9E	WM	4	SW NE
3S	9E	WM	4	SE NE
3S	9E	WM	4	NE NW
3S	9E	WM	4	NW NW
3S	9E	WM	4	SW NW
3S	9E	WM	4	SE NW
3S	9E	WM	4	NE SW
3S	9E	WM	4	NW SW
3S	9E	WM	4	SW SW
3S	9E	WM	4	SE SW
3S	9E	WM	4	NE SE

SKI FACILITY AND FIRE SUPPRESSION				
Twp	Rng	Mer	Sec	Q-Q
3 S	9 E	WM	4	NW SE
3 S	9 E	WM	4	SW SE
3 S	9 E	WM	4	SE SE
3 S	9 E	WM	9	NE NE
3 S	9 E	WM	9	NW NE
3 S	9 E	WM	9	SW NE
3 S	9 E	WM	9	SE NE
3 S	9 E	WM	9	NE NW
3 S	9 E	WM	10	NE NE
3 S	9 E	WM	10	NW NE
3 S	9 E	WM	10	SW NE
3 S	9 E	WM	10	SE NE
3 S	9 E	WM	10	NE NW
3 S	9 E	WM	10	NW NW
3 S	9 E	WM	10	SW NW
3 S	9 E	WM	10	SE NW
3 S	9 E	WM	10	NE SW
3 S	9 E	WM	10	NW SW
3 S	9 E	WM	10	NE SE
3 S	9 E	WM	10	NW SE
3 S	9 E	WM	10	SW SE
3 S	9 E	WM	10	SE SE
3 S	9 E	WM	11	NE NE
3 S	9 E	WM	11	NW NE
3 S	9 E	WM	11	SW NE
3 S	9 E	WM	11	SE NE
3 S	9 E	WM	11	NE NW
3 S	9 E	WM	11	NW NW
3 S	9 E	WM	11	SW NW
3 S	9 E	WM	11	SE NW
3 S	9 E	WM	11	NE SW
3 S	9 E	WM	11	NW SW
3 S	9 E	WM	11	SW SW
3 S	9 E	WM	11	SE SW
3 S	9 E	WM	11	NE SE
3 S	9 E	WM	11	NW SE
3 S	9 E	WM	11	SW SE
3 S	9 E	WM	11	SE SE
3 S	9 E	WM	12	SW NW
3 S	9 E	WM	12	NW SW
3 S	9 E	WM	14	NW NW
3 S	9 E	WM	14	SW NW
3 S	9 E	WM	15	NE NE
3 S	9 E	WM	15	SE NE

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

- Water has been used within the last five years 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. A diversion structure and delivery 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-13228.
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.
12. All other application requirements are met.

Conclusions of Law

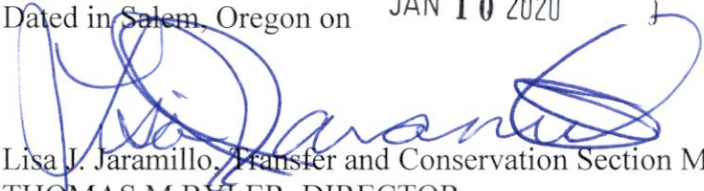
The change in place of use proposed in Transfer Application T-13228 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13228 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 48445 and any related decree.
3. Water right Certificate 48445 is cancelled.
4. 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 diversion (new and existing).
 - 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.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.

Dated in Salem, Oregon on JAN 10 2020


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

Mailing date: JAN 13 2020