

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

In the Matter of Transfer Application            )     FINAL ORDER  
T-12724, Deschutes County                    )     APPROVING ADDITIONAL POINTS  
  )     OF APPROPRIATION AND A 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**

EAGLE CREST MASTER ASSOCIATION  
ATTN: ECMA PRESIDENT  
PO BOX 1215  
REDMOND, OR 97756

**Agent**

PARAMETRIX  
NIALL BOGGS, PE, CWRE  
150 NW PACIFIC PARK LANE, SUITE 110  
BEND, OR 97701

**Findings of Fact**

1. On July 25, 2017, Eagle Crest Master Association filed an application for additional points of appropriation and to change the place of use under Certificate 90565. The Department assigned the application number T-12724.
2. Notice of the application for transfer was published on August 1, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 3, 2018, the agent for the applicant submitted a revised application which clarified that the Eagle Crest Master Association proposes to change the place of use to match the Eagle Crest Resort’s service area boundary.
4. On April 6, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12724. The draft Preliminary Determination cover letter set forth a deadline of May 6, 2018, for the applicant to respond. On May 4, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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.

5. On May 4, 2018, the agent for the applicant also requested that the proposed date for complete application of water be extended to allow additional time to evaluate options, acquire funding to rehabilitate Well 3 and guarantee adequate time to complete the project. The Department approved and extended the date by which the applicant must make full beneficial use of water under the terms and conditions of this transfer to October 1, 2023.
6. On June 14, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12724 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 19, 2018, and in the Bend Bulletin newspaper on June 16 and 23, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
7. The right to be transferred is as follows:

**Certificate:** 90565 in the name of OREGON RESORTS ACQUISITIONS (perfected under Permit G-10957)  
**Use:** QUASI-MUNICIPAL USES  
**Priority Date:** JUNE 20, 1988  
**Rate:** 480 GALLONS PER MINUTE  
**Source:** WELL 3, within the DESCHUTES RIVER basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	23	NW NE	WELL 3 - 104 FEET SOUTH AND 696 FEET EAST FROM THE N¼ CORNER OF SECTION 23

**Authorized Place of Use:**

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	13	SW SW
15 S	12 E	WM	14	SE¼
15 S	12 E	WM	23	NE¼
15 S	12 E	WM	23	N½ NW¼
15 S	12 E	WM	23	NE SE
15 S	12 E	WM	24	W½ W½

8. Transfer Application T-12724 proposes to change the place of use of the right to:

QUASI-MUNICIPAL
WITHIN THE EAGLE CREST SERVICE AREA

9. Transfer Application T-12724 also proposes additional points of appropriation approximately 40 feet north, 1424 feet and 1430 feet east, respectively, from the authorized point of appropriation. The proposed additional points of appropriation are located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	23	NE NE	WELL 2A – 491 FEET SOUTH AND 2055 FEET EAST FROM THE N¼ CORNER OF SECTION 23
15 S	12 E	WM	23	NE NE	WELL 2B – 511 FEET SOUTH AND 2055 FEET EAST FROM THE N¼ CORNER OF SECTION 23
15 S	12 E	WM	23	NW NE	WELL 4 – 64 FEET SOUTH AND 692 FEET EAST FROM THE N¼ CORNER OF SECTION 23

**Transfer Review Criteria (OAR 690-380-4010)**

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A well, pump, pipeline, and resort/community water distribution 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-12724.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.
14. All other application requirements are met.

**Conclusions of Law**

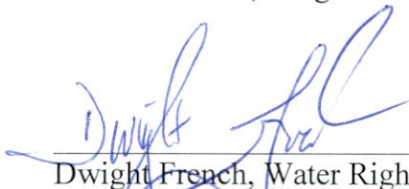
The additional points of appropriation and change in place of use proposed in Transfer Application T-12724 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation and change in place of use proposed in Transfer Application T-12724 are 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 90565 and any related decree.
3. Water right Certificate 90565 is cancelled.
4. The quantity of water diverted at the proposed additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

5. 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 (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 is/are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this JUL 31 2018,



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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: AUG 01 2018