

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

In the Matter of Transfer Application) FINAL ORDER APPROVING AN
T-13950, Deschutes County) ADDITIONAL POINT OF APPROPRIATION

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

OREGON WATER UTILITIES - CLINE BUTTE INC.
JORGE LOPEZ, PE
1325 N GRAND AVE, SUITE 100
COVINA, CA 91724-4044

Findings of Fact

1. On March 23, 2022, OREGON WATER UTILITIES - CLINE BUTTE INC. / JORGE LOPEZ, PE, filed an application for an additional point of appropriation under Certificate 96053. The Department assigned the application number T-13950.
2. Notice of the application for transfer was published on April 5, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 5, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13950 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 4, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a 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.

4. On April 26, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13950 and sent a copy to the applicant(s). Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 2, 2023, and in the Bend Bulletin newspaper on April 28 and May 5, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 96053 in the name of OREGON WATER UTILITIES CLINE BUTTE, INC.
(perfected under Permit G-11762)
Use: QUASI-MUNICIPAL USE
Priority Date: MAY 4, 1992
Rate: 3.0 CUBIC FEET PER SECOND
Source: FOUR WELLS (WELLS 6, 7, 8 AND 9) in the DESCHUTES BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	14	NW SW	WELL 8 - 1404 FEET NORTH AND 281 FEET EAST FROM THE SW CORNER OF SECTION 14
15 S	12 E	WM	15	SW SE	WELL 6 - 966 FEET NORTH AND 1817 FEET WEST FROM THE SE CORNER OF SECTION 15
15 S	12 E	WM	15	SW SE	WELL 7 - 930 FEET NORTH AND 1819 FEET WEST FROM THE SE CORNER OF SECTION 15
15 S	12 E	WM	16	NE NE	WELL 9 - 204 FEET SOUTH AND 476 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	13	SW SW
15 S	12 E	WM	14	NE NW
15 S	12 E	WM	14	NW NW
15 S	12 E	WM	14	SW NW
15 S	12 E	WM	14	SE NW
15 S	12 E	WM	14	NE SW
15 S	12 E	WM	14	NW SW
15 S	12 E	WM	14	SW SW
15 S	12 E	WM	14	SE SW
15 S	12 E	WM	14	NE SE
15 S	12 E	WM	14	NW SE
15 S	12 E	WM	14	SW SE
15 S	12 E	WM	14	SE SE
15 S	12 E	WM	15	SW NE
15 S	12 E	WM	15	SE NE
15 S	12 E	WM	15	NE SE
15 S	12 E	WM	15	NW SE
15 S	12 E	WM	15	SW SE

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	15	SE SE
15 S	12 E	WM	22	NE NE
15 S	12 E	WM	22	NW NE
15 S	12 E	WM	22	SE NE
15 S	12 E	WM	23	NE NE
15 S	12 E	WM	23	NW NE
15 S	12 E	WM	23	SW NE
15 S	12 E	WM	23	SE NE
15 S	12 E	WM	23	NE NW
15 S	12 E	WM	23	NW NW
15 S	12 E	WM	23	SW NW
15 S	12 E	WM	23	SE NW
15 S	12 E	WM	23	NE SE
15 S	12 E	WM	23	NW SE
15 S	12 E	WM	24	NW NW
15 S	12 E	WM	24	SW NW
15 S	12 E	WM	24	NW SW
15 S	12 E	WM	24	SW SW

6. Transfer Application T-13950 proposes an additional point of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells in Feet (ft.)	
15 S	12 E	WM	16	NE NE	WELL 10 - 247 FEET SOUTH AND 476 FEET WEST FROM THE NE CORNER OF SECTION 16	WELL 6	5600 ft.
						WELL 7	5600 ft.
						WELL 8	5700 ft.
						WELL 9	40 ft.

Transfer Review Criteria (OAR 690-380-4010)

7. 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.
8. A pump and pipeline 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-13950.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Conclusions of Law

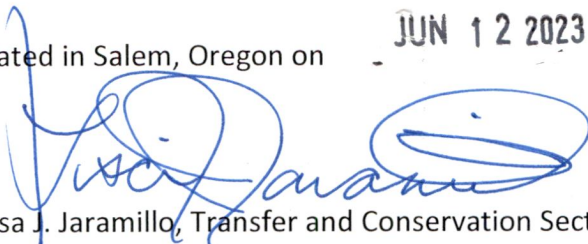
The additional point of appropriation proposed in Transfer Application T-13950 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-13950 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 96053 and any related decree.
3. Water right Certificate 96053 is cancelled.
4. The quantity of water diverted at the additional point of appropriation (Well 10) , together with that diverted at the original points of appropriation (Wells 6, 7, 8, and 9), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 6, 7, 8, and 9).

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.
 - 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.
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, 2028**. 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 in Salem, Oregon on **JUN 12 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **JUN 13 2023**