

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12725, Deschutes County)	PROPOSING APPROVAL OF
)	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, 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 90564. The Department assigned the application number T-12725.
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-12725. 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.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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. The right to be transferred is as follows:

Certificate: 90564 in the name of OREGON RESORTS ACQUISITIONS (perfected under Permit G-10530)

Use: QUASI-MUNICIPAL USES

Priority Date: MAY 20, 1985

Rate: 765 GALLONS PER MINUTE (GPM); BEING 570 GPM FROM WELL NUMBER TWO AND 195 GPM FROM WELL NUMBER THREE

Source: WELL 2 AND WELL 3, within the DESCHUTES RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	23	NE NE	WELL 2 - 491 FEET SOUTH AND 2055 FEET EAST FROM THE N¼ CORNER OF SECTION 23
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	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	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	NE 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

7. Transfer Application T-12725 proposes to change the place of use of the right to:

QUASI-MUNICIPAL
WITHIN THE EAGLE CREST SERVICE AREA

8. Transfer Application T-12725 also proposes two additional points of appropriation. Well 2B is located approximately 20 feet south of Well 2A. Well 4 is located approximately 40 feet northwest from Well 3. The additional points of appropriation are located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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)

9. 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.
10. Wells, pumps, pipeline, and resort/community water distribution delivery 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-12725.
11. The proposed changes would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

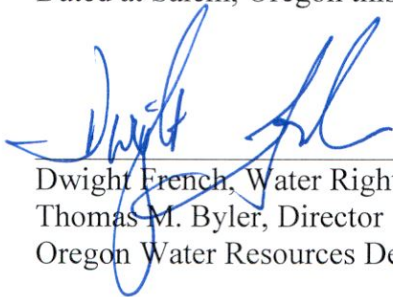
The additional points of appropriation and changes in place of use proposed in Transfer Application T-12725 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12725 is approved, the final order will include the following:

1. *The additional points of appropriation and change in place of use proposed in Transfer Application T-12725 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 90564 and any related decree.*
3. *Water right Certificate 90564 is cancelled.*
4. *The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points 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 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 changes 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 JUN 14 2018 ,



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

This Preliminary Determination was prepared by Ken Dowden. If you have any questions about the information in this document, you may reach me at (541) 278-5456, or Ken.D.Dowden@oregon.gov.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>