

Regular

RA

RA

Name Oregon Water Utilities-Cline Butte, Inc

Address 1325 N Grand Coulee Suite 100
Couina CA

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of Deschutes river

Use Quasi muni

County Deschutes

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 614857 Per # 613850 Cert # 85472 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

Change in PPOA

Date Filed 3/7/2022

Initial notice date 3/15/2022

DPD issued date

PD issued date 11/22/2024

PD notice date 11/26/2024

Date of FO 1/7/2025 Vol 133 Page 656-659

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID		
Date	Amount	Receipt #
3-7-2022	\$1,840. ⁰⁰	137636
4-26-2022	\$1,859. ³⁸	137989
3-23-2022	\$125. ⁰⁰	137736

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Nielle Boggs Parametrix well

CWRE

CC's list Deschutes county

- Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

January 7, 2025

Jorge Lopez
1325 N Grand Ave., Suite 100
Covina, CA 91724-4044

REFERENCE: Transfer Application T-13939

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 9860890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
Niall Boggs, Agent
Deschutes County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application) FINAL ORDER APPROVING AN
T-13939, 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 7, 2022, OREGON WATER UTILITIES – CLINE BUTTE INC. / JORGE LOPEZ, PE, filed an application for an additional point of appropriation under Certificate 85472. The Department assigned the application number T-13939.
2. Notice of the application for transfer was published on March 15, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 30, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13939 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 29, 2024, 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 September 19, 2024, the agent for the applicant requested a completion date of October 1, 2028, to match another water right transfer final order that added Well 10. The Department granted the longer time for completion per OAR 690-380-5140 (3).
5. On November 22, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13939 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 November 26, 2024, 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: 85472 in the name of CLINE BUTTE UTILITY CO. (perfected under Permit G-13856)

Use: QUASI-MUNICIPAL USE

Priority Date: NOVEMBER 2, 1998

Rate: 3.34 CUBIC FEET PER SECOND, FURTHER LIMITED TO A MAXIMUM DIVERSION OF 252 ACRE-FEET EACH YEAR AND SHALL RESULT IN CONSUMPTION OF NO MORE THAN 115 ACRE-FEET EACH YEAR, ONCE SEWAGE CONTRIBUTION IS SUBTRACTED FROM THE AMOUNT DIVERTED, UNLESS THE MITIGATION PLAN IS MODIFIED AND APPROVED BY THE DEPARTMENT.

Period of Use: YEAR ROUND

Source: A WELL in the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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:

Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	16	NE NE
15 S	12 E	WM	16	NW NE
15 S	12 E	WM	16	SW NE
15 S	12 E	WM	16	SE NE
15 S	12 E	WM	16	NE NW
15 S	12 E	WM	16	NW NW
15 S	12 E	WM	16	SW NW
15 S	12 E	WM	16	SE NW
15 S	12 E	WM	16	NE SW
15 S	12 E	WM	16	NW SW
15 S	12 E	WM	16	SW SW
15 S	12 E	WM	16	SE SW

7. Transfer Application T-13939 proposes an additional point of appropriation approximately 45 feet south from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	16	NE NE	WELL 10 - 247 FEET SOUTH AND 476 FEET WEST FROM THE NE CORNER OF SECTION 16

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

8. 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 water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13939.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

APR 11 2011

Conclusions of Law

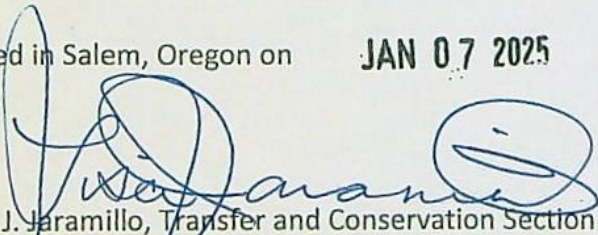
The additional point of appropriation proposed in Transfer Application T-13939 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-13939 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 85472 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificate 85472 is cancelled.

5. The quantity of water diverted at the new additional point of appropriation (Well 10), together with that diverted at the original point of appropriation (Well 9), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 9).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. 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.
8. 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.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JAN 07 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: **JAN 08 2025**

RA

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13939

Transfer Specialist: Scott

Transfer Type: Regular Transfer

signed 5.4.22

Applicant: JORGE LOPEZ 1325 N GRAND AVE SUITE 100 COVINA, CA 91724-4044 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A NIALL BOGGS 150 NW PACIFIC PARK LANE SUITE 110 BEND, OR 97701 Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Deschutes County Planning Dept Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G14857			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: March 7, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1840.00	WM District: 11	ODFW District:
Initial Public Notice: March 15, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

no newspaper

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 7/13/23 Initials: Scott	Date: 9/19/23 Initials: Jon	Date: _____ Initials: _____	Date: 8/30/24 Initials: Scott	Date: 8/30/24 Initials: Scott	CW sent: 8/30/24	N/A
PD	Date: 10/21/24 Initials: Scott	Date: 10/21/24 Initials: Jon	Date: _____ Initials: _____	Date: 10/24/25 Initials: Corey	Date: 10/25/24 Initials: Scott	Date: 11/20/24	Date: 11/22/24
FO	Date: 12-23-24 Initials: Scott	Date: ARLA Initials: 12-24-24	Date: _____ Initials: _____	Date: 12-27-24 Initials: ANN	Date: 12/30/24 Initials: Scott	Date: 12/30/24	Date: 1/7/2025

Special Issues: TO DATA for review 10/28/24 10/24/24

Special Order Volume: Vol. 133 Pages 656-659

7022 3330 0000 2912 3353

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
x Norma Ponce

B. Received by (Printed Name) C. Date of Delivery
Norma Ponce

Delivery address different from item 1? Yes
 ES, enter delivery address below: No

Oregon Water Utilities - Cline Butte, Inc.
 Attn: Jorge Lopez
 1325 N Grand Ave., Suite 100
 Covina, CA 91724-4044

Received
DEC 05 2024
OWRD

Postmark Here



9590 9402 8804 4005 1104 83

2. Article Number (Transfer from service label) **3353**
7022 3330 0000 2912

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Sent To _____

Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

November 22, 2024

VIA CERTIFIED MAIL AND E-MAIL

OREGON WATER UTILITIES – CLINE BUTTE INC.

JORGE LOPEZ, PE

1325 N GRAND AVE,

SUITE 100

COVINA, CA 91724-4044

SUBJECT: Water Right Transfer Application T-13939

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13939. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-13939
Jeremy T. Giffin, District 11 Watermaster (via e-mail)
Niall Boggs, Agent for the applicant (via e-mail)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13939, Deschutes County)	PROPOSING APPROVAL OF AN
)	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 7, 2022, OREGON WATER UTILITIES – CLINE BUTTE INC. / JORGE LOPEZ, PE filed an application for an additional point of appropriation under Certificate 85472. The Department assigned the application number T-13939.
2. Notice of the application for transfer was published on March 15, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 30, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13939 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 29, 2024, 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.

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 the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

4. On September 19, 2024, the agent for the applicant requested a completion date of October 1, 2028, to match another water right transfer final order that added Well 10. The Department granted the longer time for completion per OAR 690-380-5140 (3).

5. The right to be transferred is as follows:

Certificate: 85472 in the name of CLINE BUTTE UTILITY CO. (perfected under Permit G-13856)

Use: QUASI-MUNICIPAL USE

Priority Date: NOVEMBER 2, 1998

Rate: 3.34 CUBIC FEET PER SECOND, FURTHER LIMITED TO A MAXIMUM DIVERSION OF 252 ACRE-FEET EACH YEAR AND SHALL RESULT IN CONSUMPTION OF NO MORE THAN 115 ACRE-FEET EACH YEAR, ONCE SEWAGE CONTRIBUTION IS SUBTRACTED FROM THE AMOUNT DIVERTED, UNLESS THE MITIGATION PLAN IS MODIFIED AND APPROVED BY THE DEPARTMENT.

Period of Use: YEAR ROUND

Source: A WELL in the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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:

Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	16	NE NE
15 S	12 E	WM	16	NW NE
15 S	12 E	WM	16	SW NE
15 S	12 E	WM	16	SE NE
15 S	12 E	WM	16	NE NW
15 S	12 E	WM	16	NW NW
15 S	12 E	WM	16	SW NW
15 S	12 E	WM	16	SE NW
15 S	12 E	WM	16	NE SW
15 S	12 E	WM	16	NW SW
15 S	12 E	WM	16	SW SW
15 S	12 E	WM	16	SE SW

6. Transfer Application T-13939 proposes an additional point of appropriation approximately 45 feet south from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	16	NE NE	WELL 10 - 247 FEET SOUTH AND 476 FEET WEST FROM THE NE CORNER OF SECTION 16

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

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 water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13939.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other existing water rights.
13. All other application requirements are met.

Determination and Proposed Action

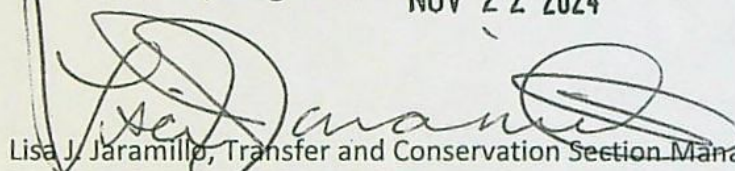
The additional point of appropriation proposed in Transfer Application T-13939 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13939 is approved the final order will include the following:

1. *The additional point of appropriation proposed in Transfer Application T-13939 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 85472 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water right Certificate 85472 is cancelled.*
5. *The quantity of water diverted at the new additional point of appropriation (Well 10), together with that diverted at the original point of appropriation (Well 9), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 9).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

7. *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.*
8. *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.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **NOV 22 2024**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and

- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

GREW Scott A * WRD

From: Niall Boggs <NBoggs@parametrix.com>
Sent: Thursday, September 19, 2024 1:49 PM
To: GREW Scott A * WRD; Jorge Lopez
Cc: GIFFIN Jeremy T * WRD; Jacqueline Oceguela
Subject: RE: T-13939 - Issuance of Draft Preliminary Determination - Action Required!

Scott

Thank you for the opportunity to review the draft Preliminary Determination. There are two items I would like to highlight:

1. I would like to propose to extend the completion date to October 1, 2028 that will match the other water right transfer final order that added Well 10. We ended up having our initial pump break down about two weeks after it was installed and have had to pull the pump and we are still digging into the cause. It is our intention to have a new pump installed and running in Q1 of 2026...however, given the complexity and expense, we are requesting a little additional time to make sure we are covered in the event it ends up taking longer.
2. The draft PD is missing some language from the original right certificate, see highlighted below. Is this something that should be included?

This right was perfected under Permit G-13856. The date of priority is NOVEMBER 2, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.34 CUBIC FEET PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 ace-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the Department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the Department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot for acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

The period of allowed use is year round.

That is the total of our review comments on the draft PD. Please feel free to reach out with any questions / discussions.

Thanks,

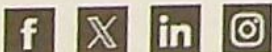
Parametrix

Niall Boggs

Senior Engineer

541-550-7694 | direct

541-948-5362 | mobile



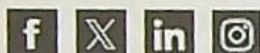
GREW Scott A * WRD

From: Niall Boggs <NBoggs@parametrix.com>
Sent: Friday, October 11, 2024 2:31 PM
To: GREW Scott A * WRD
Subject: RE: T-13939 - Issuance of Draft Preliminary Determination - Action Required!

Scott
I agree with the proposed action and conditions.

Parametrix

Niall Boggs
Senior Engineer
541-550-7694 | direct
541-948-5362 | mobile



From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Friday, October 11, 2024 2:26 PM
To: Niall Boggs <NBoggs@parametrix.com>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: T-13939 - Issuance of Draft Preliminary Determination - Action Required!

Hello Niall,

1. The Department can grant an extended completion date to October 1, 2028.
2. As far as the language you highlighted it is not something we normally list in the DPD. Under determination and proposed action it states under number 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 85472 and any related decree.*

I will just need a response in writing with acknowledgement that you agree to the proposed action and conditions.

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Niall Boggs <NBoggs@parametrix.com>
Sent: Thursday, September 19, 2024 1:49 PM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>; Jorge Lopez <jlopez@swwc.com>
Cc: GIFFIN Jeremy T * WRD <Jeremy.T.GIFFIN@water.oregon.gov>; Jacqueline Ocegüera <Jacqueline.Ocegüera@nexuswg.com>
Subject: RE: T-13939 - Issuance of Draft Preliminary Determination - Action Required!

Scott

Thank you for the opportunity to review the draft Preliminary Determination. There are two items I would like to highlight:

1. I would like to propose to extend the completion date to October 1, 2028 that will match the other water right transfer final order that added Well 10. We ended up having our initial pump break down about two weeks after it was installed and have had to pull the pump and we are still digging into the cause. It is our intention to have a new pump installed and running in Q1 of 2026...however, given the complexity and expense, we are requesting a little additional time to make sure we are covered in the event it ends up taking longer.
2. The draft PD is missing some language from the original right certificate, see highlighted below. Is this something that should be included?

This right was perfected under Permit G-13856. The date of priority is NOVEMBER 2, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.34 CUBIC FEET PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the Department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the Department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot for acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

The period of allowed use is year round.

That is the total of our review comments on the draft PD. Please feel free to reach out with any questions / discussions.

Thanks,

Parametrix

Niall Boggs

Senior Engineer

541-550-7694 | direct

541-948-5362 | mobile





Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

August 30, 2024

VIA E-MAIL

OREGON WATER UTILITIES – CLINE BUTTE INC.

JORGE LOPEZ, PE

1325 N GRAND AVE

SUITE 100

COVINA, CA 91724-4044

Reference: Water Right Transfer Application T-13939

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13939. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by September 29, 2024.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by September 29, 2024, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.

Conditions of your water right...

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

Please note the proposed date by which all conditions must be met: October 1, 2026. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and

If we do not receive the item listed above by September 29, 2024 a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13939
Jeremy T. Giffin, District 11 Watermaster (*via e-mail*)
Niall Boggs, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-13939, Deschutes County)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF AN
) 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 7, 2022, OREGON WATER UTILITIES – CLINE BUTTE INC. / JORGE LOPEZ, PE filed an application for an additional point of appropriation under Certificate 85472. The Department assigned the application number T-13939.
2. Notice of the application for transfer was published on March 15, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

Certificate: 85472 in the name of CLINE BUTTE UTILITY CO. (perfected under Permit G-13856)
Use: QUASI-MUNICIPAL USE
Priority Date: NOVEMBER 2, 1998
Rate: 3.34 CUBIC FEET PER SECOND, FURTHER LIMITED TO A MAXIMUM DIVERSION OF 252 ACRE-FEET EACH YEAR AND SHALL RESULT IN CONSUMPTION OF NO MORE THAN 115 ACRE-FEET EACH YEAR, ONCE SEWAGE CONTRIBUTION IS SUBTRACTED FROM THE AMOUNT DIVERTED,

UNLESS THE MITIGATION PLAN IS MODIFIED AND APPROVED BY THE DEPARTMENT.

Period of Use: YEAR ROUND

Source: A WELL in the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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:

Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	16	NE NE
15 S	12 E	WM	16	NW NE
15 S	12 E	WM	16	SW NE
15 S	12 E	WM	16	SE NE
15 S	12 E	WM	16	NE NW
15 S	12 E	WM	16	NW NW
15 S	12 E	WM	16	SW NW
15 S	12 E	WM	16	SE NW
15 S	12 E	WM	16	NE SW
15 S	12 E	WM	16	NW SW
15 S	12 E	WM	16	SW SW
15 S	12 E	WM	16	SE SW

4. Transfer Application T-13939 proposes an additional point of appropriation approximately 45 feet south from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	16	NE NE	WELL 10 - 247 FEET SOUTH AND 476 FEET WEST FROM THE NE CORNER OF SECTION 16

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(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.
- A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13939.
- The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).

9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other existing water rights.
11. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-13939 appears 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-13939 is approved the final order will include the following:

1. *The additional point of appropriation proposed in Transfer Application T-13939 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 85472 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water right Certificate 85472 is cancelled.*
5. *The quantity of water diverted at the new additional point of appropriation (Well 10), together with that diverted at the original point of appropriation (Well 9), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 9).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *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.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.*

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

Dated in Salem, Oregon on

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13939

- Checked box: In order to avoid enlargement of the right or injury to other rights, a Totalizing flowmeter will be required to be installed prior to diversion of water, as a condition of this transfer:
Checked box: at each point of diversion/appropriation (new and existing) OR
Unchecked box: at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Jeremy Giffin

District: 11

Address: 231 SW Scalehouse Lp, STE 103

City/State/Zip: Bend, OR 97702

Phone: 541-306-6885

Email: Jeremy.T.Giffin@Oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature District Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



BBK
 BEST BEST & KRIEGER LLP
 ATTORNEYS AT LAW

Josh Newton
 Partner
 (541) 318-9817
 josh.newton@bbklaw.com

August 20, 2024

VIA E-MAIL ONLY:

JEREMY.T.GIFFIN@WATER.OREGON.GOV
ANN.L.REECE@WATER.OREGON.GOV
SARAH.A.HENDERSON@WATER.OREGON.GOV

Jeremy Giffin
 Watermaster - District 11
 Oregon Water Resources Department
 231 SW Scalehouse Loop, Suite 103
 Bend, OR 97702

Ann Reece
 Sarah A. Henderson
 Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301

Re: Confederated Tribes of Warm Springs Letter of Non-Objection to Sixteen (16) Transfer Applications

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). The Department of Water Resources ("Department") has provided the Tribe with certain information concerning several transfer applications. This letter pertains to the following transfer applications, which are further identified in Appendix A (the "Applications") available at the following link: https://www.imanageshare.com/#h1lik96vq/folder/4H441KNWSGw0saldzuMVOpG_Dgqs-I7Q5ZaPpL2RaoU

Transfer Application	Transfer Applicant
T-14309	Wanek Ranch LLC
T-14066	Big Falls Ranch Co
T-13939	Oregon Water Utilities Inc.
T-13575	Aspen Valley Ranch; Jim Wood
T-13897	Philip Knight
T-14208	Sigman Ranch LLC
T-13864	Lindberg
T-14214	Idleway Improvement Dist Inc
T-14366	Tumalo Irrigation Dist
T-12698	Tumalo Irrigation Dist
T-13665	Botug LLC
T-13686	Dice
T-13710	Desert Springs Ranch Lmted Partnership
T-14071	Tumalo Town Dist Improvement Co
T-14283	Crabtree Endersby Ranch LLC
T-14336	Dry Fly Management Co for Big Falls Ranch

Best Best & Krieger LLP | 360 SW Bond Street, Suite 400, Bend, Oregon 97702
 Phone: (541) 382-3011 | Fax: (541) 388-5410 | bbklaw.com

Jeremy Giffin
Ann Reece
Sarah A. Henderson
August 20, 2024
Page 2

The Tribe has reviewed the Applications. Based on that information, the Tribe does not object to the Department processing the Applications in accordance with applicable law, and the Department's customary practice. The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Applications, including, but not limited to, whether the Applications violate the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Please let us know if you have any questions.

Sincerely,



Josh Newton
of BEST BEST & KRIEGER LLP

JN

cc: Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
David Filippi, Esq.
Alison K. Toivola, Esq.

GREW Scott A * WRD

From: HENDERSON Sarah A * WRD
Sent: Tuesday, August 20, 2024 1:23 PM
To: REECE Ann L * WRD; DAVIS Arla L * WRD; GREW Scott A * WRD; COURCHANE Corey A * WRD; LUONGO Dante J * WRD; FRENCH Kim R * WRD; SMITH Joan M * WRD
Cc: JARAMILLO Lisa J * WRD; HENDERSON Sarah A * WRD; PHILLIPS Stacy H * WRD; RICHMAN Elyse D * WRD
Subject: Deschutes Basin Transfer - Tribe Letter Received
Attachments: LETTER JN to OWRD re Non-Objection to Sixteen (16) Transfer Applications-c1.pdf
Importance: High

Hi All,

Today we received a letter from the Tribe for 16 transfers applications – FYI – the link in the letter that addresses Appendix A consists of copies of the actual applications, wm/gw/odfw reviews, zone of impact maps. There is no other information in that Appendix A.

1. There will be a “Direction Sheet for Deschutes Transfers” coming soon from Lisa, to specifically call out what needs to happen when you are working with a transfer in the Deschutes Basin.
2. For these transfers, because it is just a basic letter of acceptance, please include a FOF in your document about the letter, FOF language below:
 - a. On August 20, 2024, the Department received correspondence from John Newton, Attorney for the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe). The Tribe does not object to the Department processing the Transfer Application T-XXXXX, in accordance with applicable law, and the Department’s customary practice.

Here is a list of the transfers - I have put the caseworker name beside the transfer number. I have also already saved the email and letter into the associated transfer e-folders.

Transfer Application	Transfer Applicant
T-14309 sarah	Wanek Ranch LLC
T-14066 arla	Big Falls Ranch Co
T-13939 scott	Oregon Water Utilities Inc.
T-13575 corey	Aspen Valley Ranch; Jim Wood
T-13897 dante	Philip Knight
T-14208 kim	Sigman Ranch LLC
T-13864 joan	Lindberg
T-14214 joan	Idleway Improvement Dist Inc
T-14366 ann	Tumalo Irrigation Dist
T-12698 sarah	Tumalo Irrigation Dist
T-13665 kim	Botug LLC
T-13686 kim	Dice
T-13710 kim	Desert Springs Ranch Lmtd Partnership
T-14071 kim	Tumalo Town Dist Improvement Co
T-14283 arla	Crabtree Endersby Ranch LLC
T-14336 scott	Dry Fly Management Co for Big Falls Ranch

Please let me know if you have any questions,

Sarah

Sarah A. Henderson

Flow Restoration Program Coordinator
 Transfer and Conservation Section
 725 Summer St. NE, Suite A |Salem, OR 97301
 Work Cell 503-979-9872
 Email: sarah.a.henderson@water.oregon.gov
 Work Hours 7:30 AM – 4:00 PM



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

GREW Scott A * WRD

From: Niall Boggs <NBoggs@parametrix.com>
Sent: Wednesday, January 24, 2024 2:58 PM
To: GREW Scott A * WRD
Subject: RE: T-13939 status

You don't often get email from nboggs@parametrix.com. [Learn why this is important](#)

Scott

As you are aware, we sent transfer application materials in for Certificates 96053 and 85472 on March 3, 2022, each as separate transfers that were assigned T-13940 and T-13939, respectively. Both applications were essentially identical – they both simply requested an additional point of appropriation to the certificated quasi-municipal water rights 96053 and 85472. The additional point of appropriation requested in each transfer is for the same new Well 10, which is being added to the system for:

- needed redundancy, flexibility and resiliency,
- to provide needed supply to the domestic system as existing Well 8 has entrained air that results in customer complaints and is therefore primarily used for non-potable quasi-municipal uses.

Both transfer applications were contracted through the Reimbursement Authority to be completed under an expedited review. Both transfers were formally contracted with the RA program on 5/4/2022, the same day for both transfers.

The Department issued a draft preliminary determination on 1/5/2023 for Transfer T-13950, with the final order issued on June 12, 2023, which added Well 10 as an APOA to Certificate 96053. As we have discussed over the past year, Transfer T-13939 has not had a DPD issued, or frankly any progress since the file was assigned 6/8/2022. This Transfer file was entered into the RA program to facility expedited processing through a pay-to-expedite processing, and no progress has been made since the department accepted the RA fee for this process.

Both water right transfers were submitted to request an additional POA (the same POA in both transfer applications, Well 10) in the same location (Eagle Crest Resort). Both rights are for the same type of use (Quasi-Municipal). Both rights were submitted at the same time, both with fees and applications for expedited review. It seems that there is no reasonable basis for the Department not to issue the final order for Transfer T-13939 and have simply drug this process out while retaining the fees for expedited review.

We respectfully request the Department re-assess the processing delays, move the transfer to DPD, and advance the transfer process to issuance of a final order approving T-13939 as it was submitted long before the “non-selective basin-wide pause” was put into effect and should have been approved on similar timeline as T-13950.

Thank you,

Parametrix

ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

Niall Boggs, PE, CWRE
Senior Engineer

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Friday, December 15, 2023 6:20 PM

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13939

GW Reviewer Joe Kemper Date Review Completed: 1/12/2023

Summary of Same Source Review:

- The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

- The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

- The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-13939

Applicant Name: Oregon Water Utilities Inc.

Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Joe Kemper

Date of Review: 1/12/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/3/23

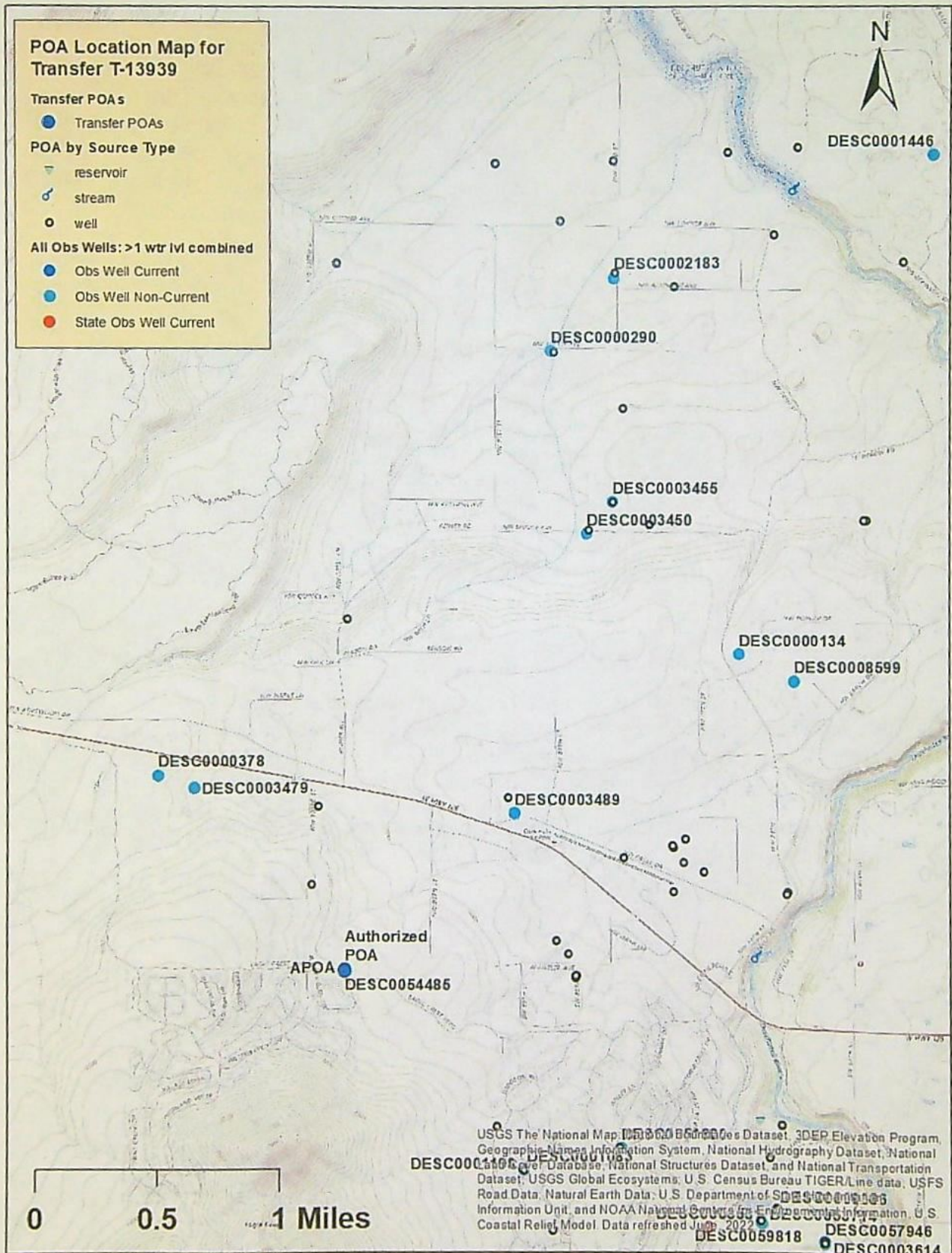
The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other _____

-
1. Basic description of the changes proposed in this transfer: The applicant proposes to add an undrilled well as an APOA to certificate 85472, which authorizes 3.34 cfs of quasi-municipal use from DESC 54485.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: DESC 54485 is 736 feet deep, accessing mixed volcanics of the Deschutes Formation. The APOA would be located 50 feet south of DESC 54485. Although there is no information provided about the proposed APOA depth, the Deschutes Formation is at least 1000 feet thick in this area and the underlying John Day Formation is a less productive aquifer. Thus, it is assumed that the APOA will be drilled to a similar depth as DESC 54485 and access the regional groundwater system hosted within the Deschutes Formation.
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No _____
 b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
 Yes No Comments: The closest groundwater users are approximately 1800 feet north and east from the applicant's well. The APOA is at the same or greater distance as the DESC 54485 from these groundwater users, so there is not an expected increase in well-to-well interference.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
 Yes No If yes, explain: NA
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
 Yes No Comments: Production from the current and proposed wells would capture groundwater from the regional aquifer system that discharges to the Deschutes River below the Lower Bridge area more than six miles to the north (and to some extent the Crooked River near the confluence with the Deschutes). The proposed location change of groundwater production is negligible compared to the distance with hydraulically connected surface water sources. As such, there is not expected to be an increase in interference with surface water.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
 Stream: _____ Minimal Significant
 Stream: _____ Minimal Significant
 Provide context for minimal/significant impact: NA
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
 Yes No Comments: NA
7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
8. Any additional comments: _____

Transfer Map



Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-13939

Review Due Date: 04/13/2022

Applicant Name: Jorge Lopez, Oregon Water Utilities INC.

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Giffin

Date of Review: 03/15/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes No If "Yes", explain:

11. For POU changes that involve micro-irrigation: N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

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/appropriation (new and existing) OR at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

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.

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

- Weir
- Parshall Flume
- Other: _____
- Submerged Orifice
- Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13939

In order to avoid enlargement of the right or injury to other rights, a Totalizing flowmeter will be required to be installed prior to diversion of water, as a condition of this transfer:

at each point of diversion/appropriation (new and existing) OR

at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Jeremy Giffin

District: 11

Address: 231 SW Scalehouse Lp, STE 103

City/State/Zip: Bend, OR 97702

Phone: 541-306-6885

Email: Jeremy.T.Giffin@Oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

PHILLIPS Stacy H * WRD

From: SMITH Tamera L * WRD
Sent: Friday, April 08, 2022 9:56 AM
To: PHILLIPS Stacy H * WRD
Subject: FW: Intent of transfer for total certificate? T-13939

Stace,

Please print for file.

Thanks, T

From: Niall Boggs <NBoggs@parametrix.com>
Sent: Friday, April 8, 2022 9:53 AM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>; Jorge Lopez <jlopez@swwc.com>
Subject: RE: Intent of transfer for total certificate? T-13939

Tamera

Thanks for the call...just to follow up – we are adding a new point of appropriation that will be used on the entirety of the approved place of use. So the yes box should have been checked. Sorry about the mis understanding.

Parametrix

ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

Niall Boggs, PE, CWRE
Senior Engineer

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Friday, April 8, 2022 9:16 AM
To: Jorge Lopez <jlopez@swwc.com>; Niall Boggs <NBoggs@parametrix.com>
Subject: Intent of transfer for total certificate? T-13939

Good morning Niall and Jorge,

I'm writing the RA estimate for the transfer application T-13939, for Cline Butte for Certificate 85472. It appears from the map and tables that this will be a transfer involving the entire water right, however, in the checkbox on page 9 of 11: "Will all of the proposed changes affect the entire water right?" the checkbox is marked "No".

Can you tell me if I'm looking at a remaining right for this project?

Thank you,

TAMERA SMITH PLEASE NOTE NEW EMAIL: tamera.l.smith@water.oregon.gov
REIMBURSEMENT AUTHORITY (EXPEDITED PROGRAM) TRANSFER CASEWORKER
725 Summer St. NE, Suite A | Salem, Oregon 97301 | PLEASE NOTE NEW PHONE: 503-979-9607

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **137989**

INVOICE # _____

RECEIVED FROM: Southwest Water Company
 BY: 838179088
 CASH: CHECK: # OTHER: (IDENTIFY)
 APPLICATION _____
 PERMIT _____
 TRANSFER see below
 TOTAL REC'D \$ 3,718.76

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 RT-13939-R11364-23 \$ _____
 0412 OTHER Transfer Reimbursement Authority \$ 3,718.76
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$		
0410	RESEARCH FEES	\$		
0408	MISC REVENUE: (IDENTIFY) _____	\$		
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$		
0240	EXTENSION OF TIME	\$		
WATER RIGHTS:		EXAM FEE	RECORD FEE	
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE	
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
	OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
 0210 MONITORING WELLS \$ _____ CARD# _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
 0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **137989**

DATED: 4-26-2022 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Document	Your Document	Text	Amount	Discount	Net Amount
1900186436	T-13939	TRANSFER APPLICATION T-13939	1,859.38	0.00	1,859.38
1900186438	T-13950	TRANSFER APPLICATION T-13950	1,859.38	0.00	1,859.38
Sum Total					\$3,718.76

RECEIVED
APR 26 2022
OWRD

Your account with us: 1010604 Check#: 838179088 Check Date: 04/21/2022 Total: \$3,718.76

APR 26 2022

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-364-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Oregon Water Utilities-Cline Butte, Inc., hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Oregon Water Utilities-Cline Butte, Inc.	Name: Parametrix
Title: Transfer Advisor	Contact: Jorge Lopez, PE	Contact: Niall Boggs, PE, CWRE
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 1325 N Grand Covina, Suite 100 Covina, CA 91724	Address: 150 NW Pacific Park Ln., Suite 110 Bend, OR 97701
Phone: 503 979-3511	Phone: (626) 543-2518	Phone: (541) 550-7694
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email: jlopez@swwc.com	Email: nboggs@parametrix.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13939)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,859.38. Applicant agrees to pay the full amount of \$1,859.38 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately 120 days** once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:	Jorge Lopez, Vice President, Engineering	<i>JML</i>	4/12/2022
	Name/Title:		Date
For OWRD:	<i>Dwight French</i>	<i>Dwight French</i>	5/4/2022
	Dwight French - Administrator		Date

Mail signed Agreement to:

Stacy Phillips
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Received by OWRD

APR 26 2022

Salem, OR

JORGE LOPEZ/OREGON WATER UTILITIES CLINE BUTTE, INC. RA R11-364-23 T-13939

Front Desk Staff receipts received AA funds				
Transfer Support process Application				
Administrator signs AA				
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet				
NRS 2 completes initial review of file for deficiencies				
NRS 2 consults with Kelly and/or Lisa				
NRS 2 writes and sends deficiency ltr (email and hard copy)				
NRS 2 addresses correspondence from app/agent regarding deficiencies				
Watermaster completes review				
Groundwater completes review				
NRS 2 completes DPD, PN, and RR				
Transfer staff peer reviews DPD, PN, RR				
Transfer Analyst completes policy check at DPD stage				
NRS 2 sends DPD to app/agent by email and/or mail				
NRS 2 drafts and sends revised DPD				
Transfer Staff peer reviews revised DPD				
Transfer Analyst peer reviews revised DPD				
NRS 2 completes PD				
Transfer Staff peer reviews PD				
Transfer Analyst peer reviews PD				
Data Center reviews PD				
Transfer Analyst completes peer review of PN review for newspaper noticing				
Transfer Support requests newspaper quote for PN publishing				
NRS 2 sends publishing fee request to applicant				
Transfer Support processes fee and newspaper publishing				
Transfer Support processes public notice (dept notice)				
Administrator signs PD				
NRS 2 completes FO				
Transfer Staff peer reviews FO				
Transfer Analyst peer reviews FO				
Administrator signs FO				
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy				
NRS 1 closes out RA Contract				
	TOTAL ESTIMATE HOURS	37.02		
			TOTAL	\$1,859.38

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **137736**

INVOICE # _____

RECEIVED FROM: Parametrix, Inc.

APPLICATION 1
 PERMIT _____
 TRANSFER 1-13939
1-13950

BY: _____

CASH: CHECK: # 260996 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11363-23 \$ 125.00
0412 OTHER: (IDENTIFY) R11364-23 \$ 125.00
transfer reimbursement Authority
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
 0210 MONITORING WELLS \$ _____ CARD# _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
 0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **137736**

DATED: 3-23-2022 BY: Mindy Cook

Account Number: **260990**

PARAMETRIX, INC.
 INVOICE NUMBER

DATE

02/21/22 02/21/2022
 02/21/22 2/21/2022

VOUCHER NO. **260990**

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

AMOUNT

0210551 125.00
 0210552 125.00

RECEIVED
MAR 23 2022
OWRD

TOTAL: 250.00

260990



**OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION**



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.
Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.
 The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	CERTIFICATE C-85472 Transfer Number <u>FBD T-13939</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Jorge Lopez, PE / Oregon Water Utilities - Cline Butte, Inc.</u>	<u>Niall Boggs, PE, CWRE</u>
Address:	<u>1325 N Grand Covina Suite 100 Covina, CA 91724</u>	<u>150 NW Pacific Park Lane Suite 110 Bend, OR 97701</u>
Phone:	<u>626-543-2518</u>	<u>541-550-7694</u>
Fax:	_____	_____
E-Mail Address:	<u>jlopez@swwc.com</u>	<u>nboggs@paramatrix.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271**

RECEIVED

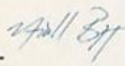
MAR 23 2022

I certify that I am the (check one):

Applicant Applicant's Representative Other (Please specify) _____

OWRD

Name: Niall Boggs, PE, CWRE

Signature: _____  Digitally signed by Niall William Boggs Date: 2022.02.24 12:02:49-0800

OWRD USE ONLY: Reimbursement Authority Number: R11- 364 -23 T-13939 Tamara S.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 14, 2022

OREGON WATER UTILITIES INC.
JORGE LOPEZ
1325 N GRAND AVE SUITE 100
COVINA, CA 91724-4044
Reference: Application T-13939

On March 7, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Our receipt number 137636 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

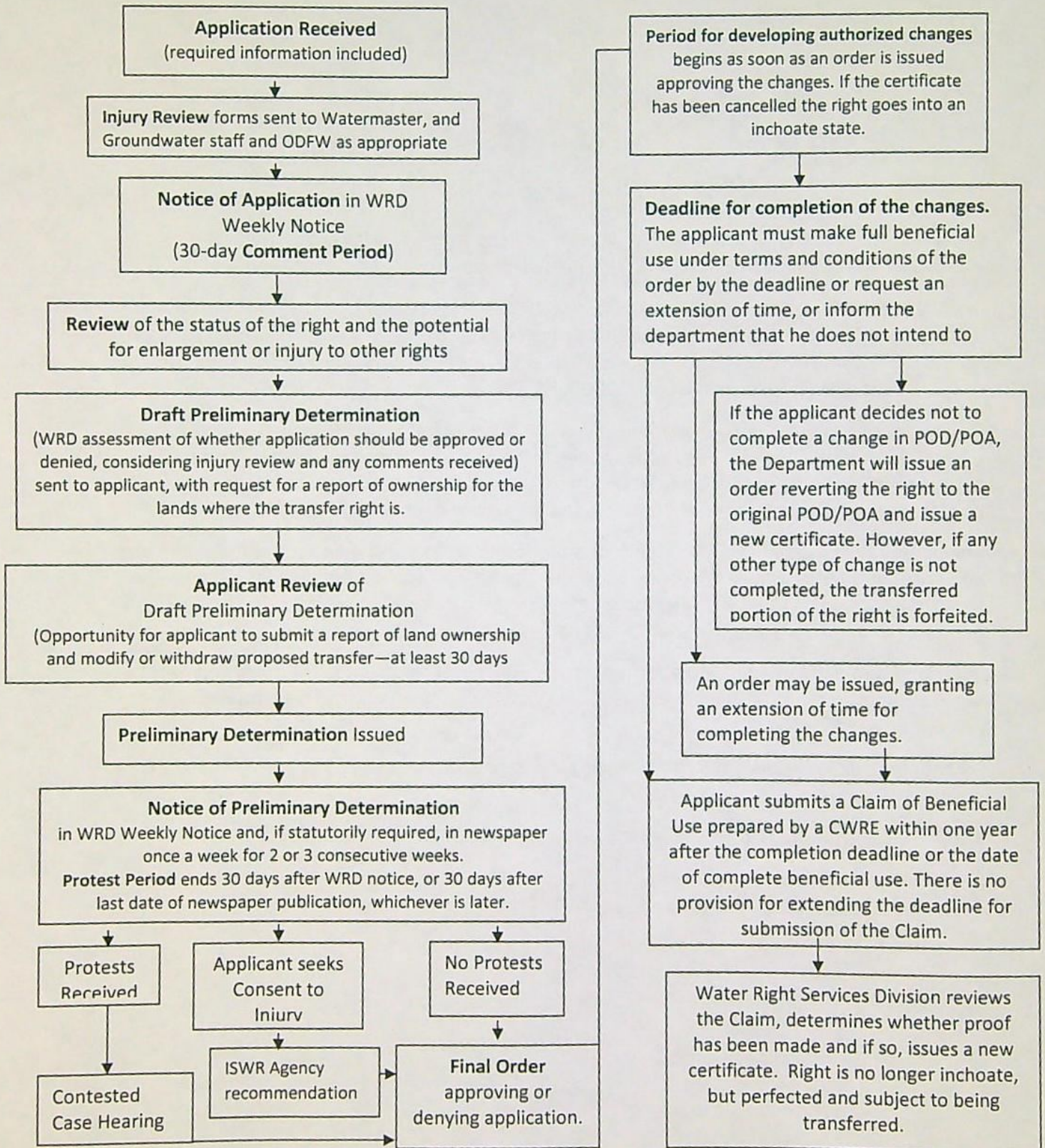
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)
Deschutes County Planning Department
Niall Boggs, Agent

Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **137636**

INVOICE # _____

RECEIVED FROM: Parametrix, Inc. APPLICATION _____
 BY: _____ PERMIT _____
 CASH: _____ CHECK: # 260992 OTHER: (IDENTIFY) _____ TRANSFER 1-13939

TOTAL REC'D \$ 1,840.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ <u>1,840.00</u>	

WELL CONSTRUCTION:

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT	\$ _____	0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
 0210 MONITORING WELLS \$ _____ CARD# _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
 0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **137636**

DATED: 3-7-2022 BY: Mindy Carter

Account Number: _____
 PARAMETRIX, INC.
 INVOICE NUMBER: 022122
 DATE: 2/21/2022
 VOUCHER NO.: 0210550
 OWRD
 PLEASE DETACH AND RETAIN FOR YOUR RECORDS
 AMOUNT: 1,840.00

TOTAL: 1,840.00

RECEIVED
 MAR 07 2022
 OWRD

260992

260992

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

MAR 07 2022

OWRD

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-85472**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part ____ is incomplete |
- Other/Explanation _____

Staff: _____ 503- _____ Date: 13939 / ____ / ____

Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are ~~not met~~. CWRD

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

13939

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	\$0
	Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in 3a above: <u>0</u> (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	\$0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480</u> (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>\$0</u> (4b)		
4	Add line 4a to line 4b and enter »	4	\$480
	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$410, then enter on line 5 »		
5		5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,840
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	\$0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$1,840

RECEIVED
 MAR 07 2022
 OWRD

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:
 1. For irrigation calculate cfs for each water right involved as follows:
 a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
 2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter »	2	N/A
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	N/A

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Jorge Lopez, PE / Oregon Water Utilities – Cline Butte Inc.		PHONE NO. (626) 543-2518	ADDITIONAL CONTACT NO.
ADDRESS 1325 N Grand Covina Suite 100			FAX NO.
CITY Covina	STATE CA	ZIP 91724	E-MAIL jlopez@swwc.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Niall Boggs, PE, CWRE / Parametrix		PHONE NO. (541) 550-7694	ADDITIONAL CONTACT NO. (541) 508-7710
ADDRESS 150 NW Pacific Park Lane			FAX NO.
CITY Bend	STATE OR	ZIP 97701	E-MAIL nboggs@parametrix.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
The purpose of the water rights transfer is to add a point of appropriation (a new backup well) next to an existing well.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED

MAR 07 2022

OWRD

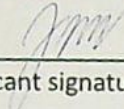
13939

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Bend Bulletin.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

I (we) affirm that the information contained in this application is true and accurate.




 Applicant signature _____ Jorge Lopez, Vice President, Engineering 2/25/2022
 Print Name (and Title if applicable) Date MAR 07 2022

Applicant signature _____
 Print Name (and Title if applicable) Date OWRD

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No*

*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Deschutes County	ADDRESS 117 NW Lafayette Ave	
CITY Bend	STATE OR	ZIP 97703

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

MAR 07 2022

OWRD

13939

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 85472

RECEIVED

Description of Water Delivery System

MAR 07 2022

System capacity: 3.34 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The extensive underground domestic distribution system is considered quasi-municipal and serves a variety of private homes, townhomes, condominiums, irrigation of common areas, and commercial areas. The system serving Eagle Crest III is also interconnected and directly serves the Eagle Crest II area of development. Eagle Crest II and portions of Eagle Crest III are located within the same pressure level and water flows to the points of demand throughout the water distribution system, throughout Eagle Crest II and Eagle Crest III.

A domestic water storage reservoir is located on a high point of land adjacent to the Eagle Crest II and Eagle Crest III expansion areas. The storage reservoir "floats" on the system and effectively serves the Eagle Crest II and Eagle Crest III water distribution systems.

Multiple wells contribute to the Eagle Crest II and Eagle Crest III water distribution system and the common storage reservoir. Three wells (wells #6, #7, #8) are located within the Eagle Crest II expansion area of the resort. The water diversions from the Eagle Crest II wells are commingled with the diversion from well #9, located in Eagle Crest III. Wells #6, #7, and #8 are POAs under Certificate #96053. Well #6 pump has a 250 HP motor, Well #7 pump has a 50 HP motor, Well #8 has a 250 HP motor, and Well #9 has a 450 HP motor.

In summary, multiple wells contribute to an interconnected extensive water distribution system that effectively serves all of the demands and uses within Eagle Crest II and Eagle Crest III.

The extensive water distribution system at the Eagle Crest resort is also interconnected to the original Eagle Crest I development area. The Eagle Crest I area, however, primarily receives its water supply from additional water rights and wells located within the Eagle Crest I area. The piping connection between Eagle Crest II/Eagle Crest III and the original Eagle Crest I area is primarily for emergency purposes. Water is not contributed on a regular basis to the Eagle Crest I area, but some contribution is seen annually.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 9	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 54485	15	S	12	E	16	NE	NE	1512 16AA 0030 0	204 feet south & 476 feet west from NE corner, Section 16
Well 10	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		15	S	12	E	16	NE	NE	1512 16AA 0030 0	247 feet south & 476 feet west from NE corner, Section 16
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

RECEIVED

MAR 07 2022

OWRD

13939

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 85472

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
15	S	12	E	16	NE	NE	15 12 16 AA 00300			Quasi- Municipal	Well 9	1998	APOA	15	S	12	E	16	NE	NE	15 12 16 AA 00300			Quasi- Municipal	Well 9 Well 10	1998
TOTAL ACRES:														TOTAL ACRES:												

Additional remarks: _____.

18939

RECEIVED

MAR 07 2022

OWRD

TRANSFER APPLICATION FOR CERTIFICATE 85472

TOWNSHIP 15S, RANGE 12E, SECTION 16

TYPE OF USE:
QUASI-MUNICIPAL

PRIORITY DATE:
NOVEMBER 2, 1998

TRANSFER REQUEST:
ADD A POINT OF APPROPRIATION

RECEIVED

MAR 07 2022

OWRD

NOTE: THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS. THIS MAP IS NOT INTENDED TO PROVIDE DIMENSIONS OR THE LOCATION OF PROPERTY OWNERSHIP LINES.

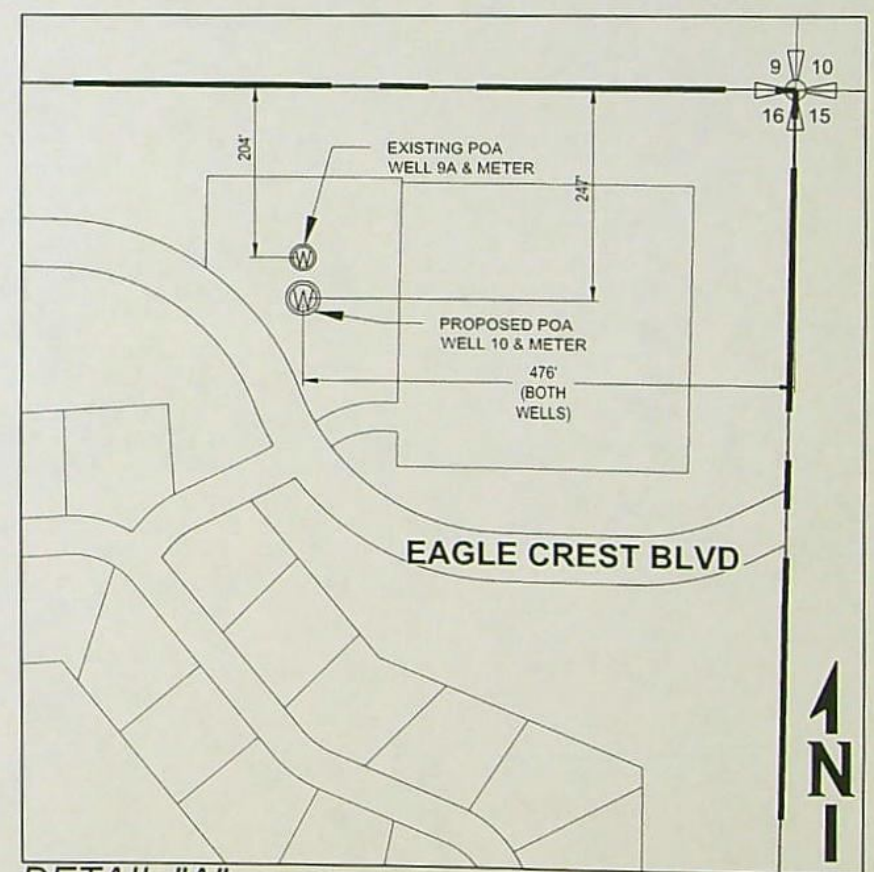
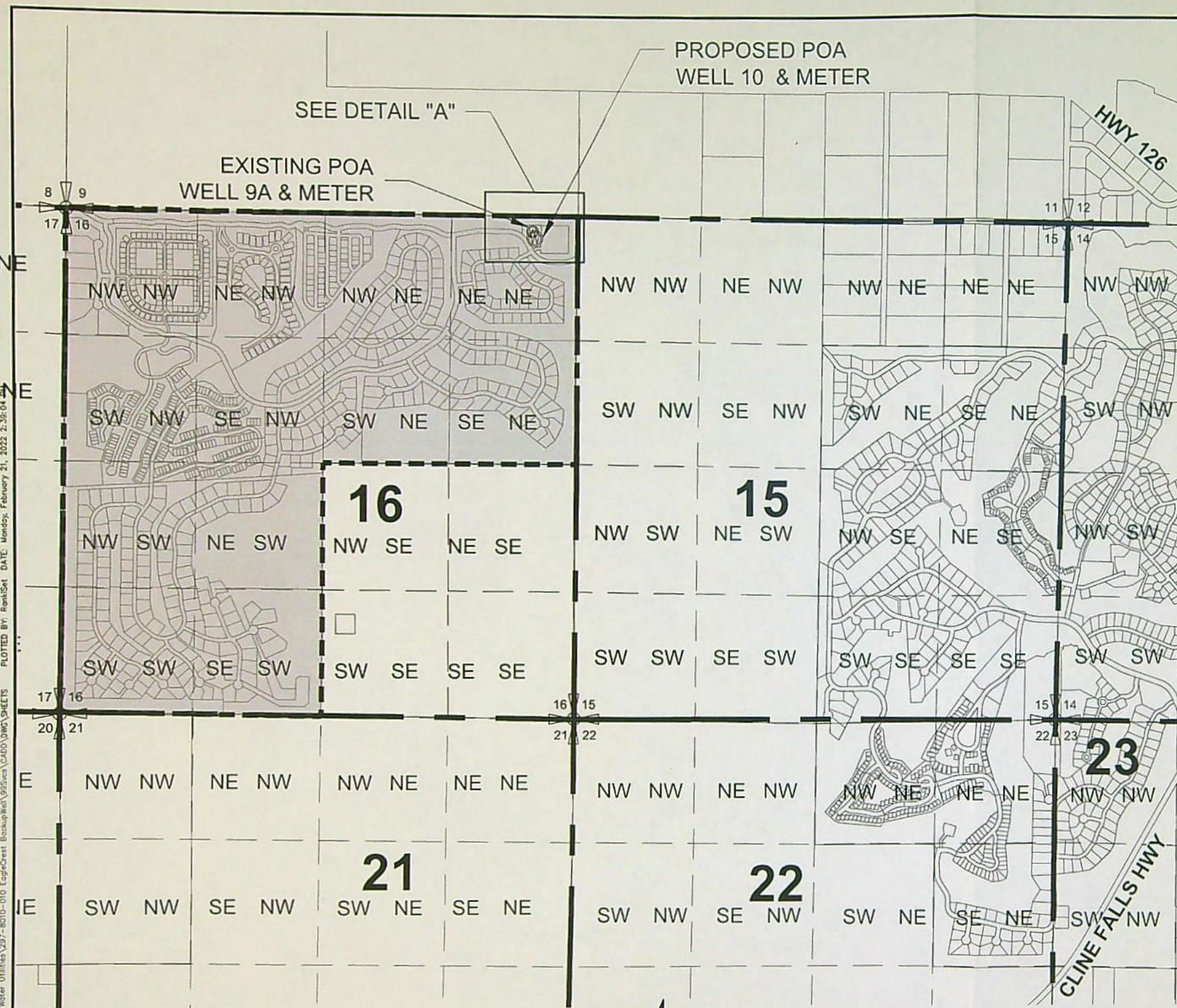
DATE	BY

DATE	DECIDED	DRAWN	APPROVED

PROJECT NAME
OREGON WATER UTILITIES
CLINE BUTTE
CERTIFICATE 85472

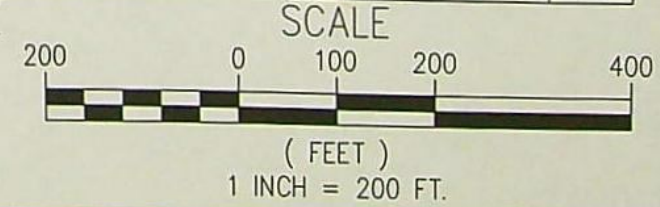
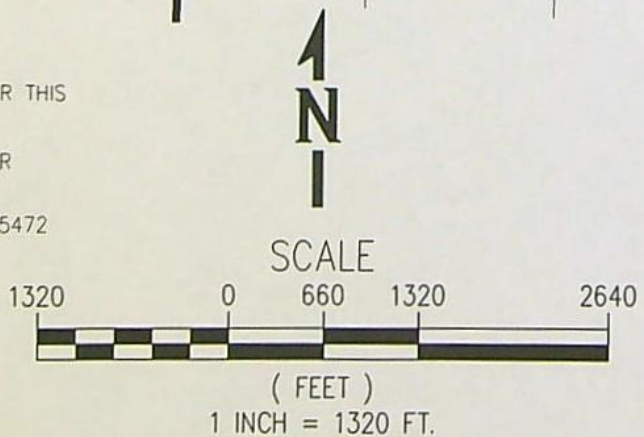
TRANSFER MAP

DRAWING NO.



LEGEND

- PROPOSED POINT OF APPROPRIATION UNDER THIS TRANSFER APPLICATION
- PROPOSED POINT OF APPROPRIATION UNDER CERTIFICATE 85472
- EXISTING AREA OF USE FOR CERTIFICATE 85472
- SECTION LINE
- TAXLOT LINE
- QUARTER SECTION LINE
- SECTION CORNER



LAYOUT: C-85472-1147 PATH: U:\Bend\Projects\Clients\8010-Oregon Water Utilities\207-8010-010 EagleCrest Backup\Map\9950\CA001\DWG\SHEETS PLOTTED BY: Rmk\SAI DATE: Monday, February 21, 2022 2:38:04 PM

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
 Supporting documentation must be attached.

State of Oregon)
) ss
 County of DESCHUTES

RECEIVED
 MAR 07 2022
 OWRD

I, NIALL BOGGS, in my capacity as CWRE,
 mailing address 150 NW PACIFIC PARK LN. SUITE 110. BEND, OR 97701
 telephone number (541)550-7694, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):
- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 85472; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

- OR
- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

13939

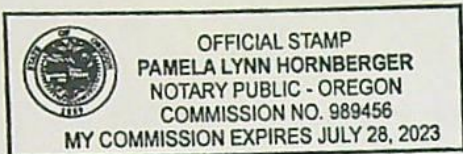
3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USE

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

February 24 2022
Date

Signed and sworn to (or affirmed) before me this 23 day of February 2022.



[Signature]
Notary Public for Oregon

My Commission Expires: July 28, 2023

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13939



COMMUNITY DEVELOPMENT

RECEIVED

MAR 07 2022

OWRD

March 2, 2022

Parametrix
Attn: Niall Boggs
150 NW Pacific Park Lane
Suite 110
Bend, OR 97701

Re: File #247-22-000015-PS, OWRD LUCS

Dear Niall Boggs:

This is to inform you that the Deschutes County Planning Department has reviewed and approved your Oregon Water Resources Department Land Use Compatibility Statement.

If you have any questions, please call me at the Planning Division at (541) 388-6504.

Sincerely yours,

DESCHUTES COUNTY PLANNING DIVISION

Rachel Vickers, Assistant Planner

Encl. OWRD LUCS
TP-00-918

13939

RECEIVED

MAR 07 2022

OWRD

FINDINGS AND DECISION

FILE NUMBER: TP-00-918

**APPLICANT/
PROPERTY OWNER:** Eagle Crest, Inc.
c/o Alan Van Vliet
P.O. Box 1215
Redmond, Oregon 97756

AGENT/ENGINEER: W & H Pacific, Inc.
c/o Ron Hand
920 SW Emkay, Suite C-100
Bend, OR 97702

REQUEST: An application for a tentative plat for a 108-lot subdivision within Eagle Crest Phase III Destination Resort.

STAFF CONTACT: Paul Blikstad, Associate Planner

I. APPLICABLE CRITERIA:

I. Eagle Crest Phase III Destination Resort Final Master Plan, as outlined in County File nos. CU-99-85 and M-00-1.

II. Title 17 of the Deschutes County Code, Subdivisions:

Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans.

Sections 17.16.030 and 17.16.100

Chapter 17.36, Design Standards.

Sections 17.36.020, 17.36.080, 17.36.140, 17.36.170, 17.36.180 and 17.36.260

Chapter 17.48, Design and Construction Specifications.

Sections 17.48.100, 17.48.160 and 17.48.180

III. Title 18 of the Deschutes County Code, Zoning Ordinance:

Chapter 18.16, Exclusive Farm Use Zones.

Section 18.16.035

13939

Chapter 18.113, Destination Resort - DR Combining Zone.
Section 18.113.040

II. **FINDINGS OF FACT:**

1. **LOCATION:** The property is identified on County Assessor's map #15-12, as tax lot 4800. It is located west of the existing Eagle Crest II development, with an intervening parcel under Bureau of Land Management (BLM) jurisdiction.
2. **ZONING:** The subject property is zoned EFU-SC, Exclusive Farm Use - Sisters/Cloverdale Subzone, with a Surface Mining Impact Area (SMIA) combining zone. The site is also within a DR - Destination Resort combining zone. The subject property is designated Agriculture on the Comprehensive Plan Map.
3. **REQUEST:** The applicant is seeking approval of 107 residential lots within portions of Areas 1, 2 and 4 of phase III of the Eagle Crest destination resort, on 93.9 acres within the 480-acre expansion property. The applicant is also proposing one lot (lot 108) as a site for a public utility, as well as several common lots. According to the application, the subdivision will be developed and platted in up to four phases. The 107 lots will be developed for single-family residential dwelling units. Total residential lot area comprises 37.4 acres. The proposed lots range in size from 9,543 to 25,983 square feet, with an average lot size of approximately 15,222 square feet. The proposed utility lot is shown to be approximately two acres.

In order to develop this project, the proposed access road between Eagle Crest phases II and III will need to be extended from the existing road (Eagle Crest Boulevard) to the west across BLM land to provide access to the proposed subdivision. This same road serves areas of the existing Eagle Crest II development, and will be one of two accesses to the new Eagle Crest III phase. All necessary subdivision improvements (water, sewer, power, telephone and cable t.v.) will be underground.

4. **SURROUNDING USES:** The project site is in the northeast portion of the Eagle Crest phase III property, which is currently undeveloped. Property to the north (15-12-9, tax lot 600), east (15-12, tax lot 1500), west and northwest (15-12, tax lots 4900 and 1300), and south (15-12, tax lots 1504 and 5300) are all under public ownership (BLM and State of Oregon), and are managed primarily as open space by these agencies.

Tax lots 4700 and 4701 directly south and east of the subject property are zoned Surface Mining (SM). The remaining zoning surrounding the property is Exclusive Farm Use - Sisters/Cloverdale subzone, with a Surface Mining Impact Area (SMIA) combining zone, and a Destination Resort (DR) overlay zone.

5. **SITE DESCRIPTION:** The site (tax lot 4800) is approximately 480 acres in size and is currently vacant. The site slopes down from the most northerly of Cline Buttes, the peak of which is located just to the southeast of the subject property on tax lot 4700. The site has a juniper woodland vegetative cover, along with various native grasses and shrubs.
6. **PROCEDURAL HISTORY:** The proposed subdivision plan is located in an area approved for such development under File nos. CU-99-85 and RC-99-3 (480-

acre expansion of Eagle Crest into phase III), and M-00-1, the Final Master Plan for phase III. The proposed subdivision lies within portions of areas 1, 2 and 4 of the Final Master Plan. The applicant is proposing 107 units to be counted against the potential 900-unit limit for phase III.

7. The Planning Division sent notice of the proposed application to several public agencies and received the following responses:

A. Deschutes County Property Address Coordinator:

All new proposed road names must be approved by the Property Address Coordinator prior to final approval.

B. Deschutes County Road Department:

The applicant is to meet all the following conditions if this land use request is approved:

1. The applicant shall meet all 24 conditions set forth in the approval of Eagle Crest III in CU-99-85 listed on pages 39-42 of the decision of the Deschutes County Hearings Officer.
2. The applicant shall submit the names of all streets to the Deschutes County Address Coordinator as required under section 17.36.120, Street names.
3. The applicant is to submit a signed document showing that the BLM has given approval to connect Eagle Crest Boulevard across BLM land between Eagle Crest II and III.

The Road Department believes that if the applicant meets all of the requirements set forth in the decision of the Deschutes County Hearings Officer on land use request CU-99-85, most of our concerns would be met. All of the roads within Eagle Crest III will be private roads as was the earlier case with Eagle Crest I and II, and thus, the County will not be responsible for the construction or maintenance of the roads within the development. A question we do have is when does the access out to Highway 126 get constructed? Obviously, the access to the highway isn't being constructed as part of this first phase, but it should be constructed during the 2nd or 3rd phases to provide a second access to Eagle Crest III for the provision of emergency services and to provide an evacuation route.

C. Redmond Fire Department:

Fire hydrants must be operational within 250 feet of each lot before combustible construction.

D. Oregon Health Division:

Development has distribution (piping) plan review exemption with the State Health Division. Subdivision distribution work is approved by State per plan review exemption.

13939

MAR 07 2022

OWRD

E. Watermaster's Office:

In the Eagle Crest III burden of proof statement, Title 17, A. III b., page 10, 5th paragraph, there is a statement about the water systems being interconnected between Eagle Crest II and Eagle Crest III. The water right permits for both developments only allow use on the individual developments, not both. This does not preclude the connections of the systems; however, the applicant should be aware that it would be illegal to use water from one development on the other without modification to the water rights.

F. Deschutes County Assessor:

No comments.

G. The following agencies did not respond to the notice: Watermaster's Office, Central Electric Cooperative, US West Communications, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of Transportation, and the Bureau of Land Management.

8. The Planning Division sent notice of the proposed subdivision to all property owners within 750 feet of the subject site. No response was received to the notice.

9. **REVIEW PERIOD:** This application was deemed complete and formally accepted on December 15, 2000. The 150th day on which the County must take final action on this application is May 14, 2001.

The applicant has also complied with the posted notice requirements of Section 22.23.030(B) of Title 22. The applicant has submitted a Land Use Action Sign Affidavit dated December 4, 2000, that indicates that the applicant posted the notice of land use action sign on November 30, 2000.

III. CONCLUSIONARY FINDINGS:**A. Conformance with Eagle Crest III Conceptual and Final Master Plans:**

FINDING: The proposed lots are located in an area approved for such development in the Eagle Crest III Conceptual and Final Master Plans. For the record, staff is reviewing the proposed subdivision against the approval conditions for CU-99-85 (as amended by RC-99-3) and M-00-1. The findings for each condition are as follows:

CU-99-85, RC-99-3:

1. **This approval is based upon the submitted Eagle Crest III CMP. Any substantial modification...**

No substantial change has occurred from what was approved in the original CMP from 1999.

2. **The FMP for Eagle Crest III shall show the following...**

The Final Master Plan for Eagle Crest III was reviewed under file no. M-00-1.

OWRD

3. **Development within Eagle Crest Phase III shall be subject to the lot and yard dimension standards in the former Planned Community Zone for Sunriver, former Chapter 18.108 of Title 18 of the Deschutes County Code, a copy of which is attached hereto as Exhibit A.**

For single-family residential lots within Eagle Crest III, the following standards apply: minimum lot area – 6,000 square feet; minimum lot width: 60 feet, except a corner lot shall be a minimum of 70 feet; minimum lot frontage: 50 feet, except on a cul de sac – 30 feet. This section also includes minimum setback requirements and maximum lot coverage of 35%. All of the proposed lots meet the above size standards. The yard and solar setbacks, as well as the lot coverage standard can only be checked at the time of submission of building permits for structures on each lot.

4. **Development within Eagle Crest Phase III shall be subject to the building height limitations in Section 18.120.040 and the off-street parking and loading standards in Section 18.116.030.**

The building height limitation for this phase of Eagle Crest is 30 feet, unless a building height exception is approved through a land use process. The off-street parking and loading standards will be reviewed through site plan applications that will be required.

5. **Development within Eagle Crest Phase III shall be subject to the solar access standards in Chapter 18.116 of Title 18 for single-family residential lots. Exceptions to allow...**

All of the proposed lots will be subject to the solar access ordinance of Title 18. It appears that many of the lots will not have solar access constraints given their orientation to the north, to streets and to open space areas.

6. **The applicant/owner shall assure through continuous monitoring that development within the Eagle Crest Resort, including Phase III, meets the requirement of 50 percent open space.**
7. **The applicant/owner shall assure through continuous monitoring that development within Eagle Crest Resort, including Phase III, does not exceed a maximum density of 1.5 dwellings units per acre.**
8. **The applicant/owner shall assure through continuous monitoring that development within the Eagle Crest Resort, including Phase III, meets the requirement that individually-owned residential units not exceed two such units for each unit of visitor-oriented overnight lodging.**

Prior to final plat approval of this tentative plat in phase III, the applicant will be required to provide the calculations for the above standards. This will be made a condition of approval.

9. **The applicant/owner shall assure through continuous monitoring that the erosion control plan submitted as Exhibit 16 to the burden**

of proof is following (sic) throughout development of Eagle Crest Phase III.

10. The applicant/owner shall assure through continuous monitoring that the water conservation plan submitted as Exhibit 19 to the burden of proof is following (sic) throughout development of Eagle Crest Phase III.

Any erosion control occurring and the water conservation plan will require continuous monitoring by the applicant.

11. The applicant/owner shall assure through continuous monitoring that all temporary structures located within Eagle Crest Phase III are limited to use for construction and lot sales and that such structures do not remain on the Phase III site longer than 18 months.

Some temporary structures will require permits, which will be monitored by the Planning Division. Any other structures which do not require a permit can be on the site up to 18 months.

12. The applicant/owner will be required to obtain conditional use approval pursuant to Chapter 18.128 of Title 18 for any timeshare units developed in Eagle Crest Phase III that are not included on the FMP or on individual subdivision plats.

None of the proposed lots are timeshare units.

13. The applicant/owner shall improve all interior roads within Eagle Crest III to the county's standards for private roads, including:

This condition requires right of way sufficient to accommodate the minimum pavement widths and required utility easements. The tentative plan map shows rights of way that vary from 40 to 50 feet, and road widths that are either 20 or 25 feet. The only roads that can be 20 feet wide are the low-volume side loop roads and cul de sacs. Roads such as Eagle Crest Boulevard and William Lyche Drive must be 25 feet wide. These roads must also include a 10-foot wide paved bicycle/pedestrian path, including that portion of Eagle Crest Boulevard between phases II and III of Eagle Crest on the BLM land.

14. The applicant/owner shall provide two points of access to Eagle Crest III including an access to Cline Falls Road through Eagle Crest II and an access to Highway 126. The applicant/owner shall...
15. The applicant/owner shall improve the two required access roads across BLM land to the county's rural local road standards set forth in Condition 13 above. However, if the grants of right of way...

The applicant is required to construct the road between Eagle Crest II and III as part of this subdivision approval. This road must be constructed to the 25-foot minimum standard, including the 10-foot wide bicycle/pedestrian path. The second access road to Highway 126 must also be constructed to the same standard, including bicycle path. The final master plan decision on Eagle Crest III specifies that the second access road must be constructed when 25 dwelling units are completed.

16. **The applicant/owner shall obtain written approval from the Oregon Department of Environmental Quality for a modification to the existing WPCF permit ...**

The applicant submitted a copy of a letter from DEQ stating that approval for additional flow into the existing system has been granted for EC III for the final master plan review. Connection to the City of Redmond's sewage treatment system or additional on-site system construction will be required for full build-out of the resort.

17. **The applicant/owner shall obtain approval from the Oregon Water Resources Department for a groundwater permit for the new well for Eagle Crest III. A copy of the groundwater permit...**

The applicant submitted a copy of the final order from OWRD for the groundwater permit as part of the final master plan review..

18. **The applicant/owner shall obtain written approval from the Oregon State Health Division for the proposed domestic water system for Eagle Crest Phase III. A copy of the written approval...**

The applicant submitted a copy of a letter from OHD stating the resort's exemption status for plan review is renewed for 2000. An updated letter for the new subdivision must be submitted as part of final plat review.

19. **The applicant/owner shall obtain approval of annexation of the Eagle Crest Phase III site in the the boundaries of DCRFPD No. 1.**

The annexation to the RFPD was verified by staff through County Commissioner's Order No. 99-166, dated November 10, 1999.

20. **The applicant/owner shall assure through continuous monitoring and the construction of water storage and delivery facilities and fire hydrants that the minimum required fire flow of 2,500 gpm is available at all times during development of Eagle Crest Phase III.**

As indicated in the approval for M-00-1, the minimum fire flow according to the Redmond Fire Department is 1,500 gpm versus the 2,500 listed by the Hearings Officer. The applicant will be required to obtain written verification from the Fire Department that all standards have been met prior to final plat approval for each proposed phase.

21. **The applicant/owner shall submit with the FMP approval application a wildlife habitat and mitigation plan, or equivalent document(s)...**

The applicant submitted a wildlife mitigation plan as part of the FMP application that was signed by both the applicant and ODFW.

22. **The applicant/owner shall comply with the terms of the Memorandum of Understanding dated October 12, 1999, between Eagle Crest, Inc. and ODOT...**

13939

The applicant will be required to meet the terms of the MOU with ODOT as required under this condition.

23. **The applicant/owner shall submit with the FMP approval application a noise analysis prepared by a licensed engineer or other professional...**

The applicant submitted the noise analysis as part of the FMP application.

24. **The applicant/owner shall assure the execution and recording of a waiver of remonstrance in accordance with section 18.56.120...**

The waiver must be recorded either prior to or with the recording of the final plat for the first phase of this subdivision.

M-00-1

1. **All conditions of the Conceptual Master Plan approval shall be met and continue to be met throughout the life of the project, unless approval is granted for any changes.**

This condition of approval will assure that the requirements of CU-99-85 (as amended by RC-99-3) are met.

2. **Site plan and subdivision application and approval shall be required for the applicable phases of development.**

The applicant has applied for the first phase of Eagle Crest III through the subject subdivision application.

3. **Direct access to the main road access road within phase III shall not be taken from individual lots.**

The tentative plat demonstrates that none of the proposed 107 lots will take access from the main access road. The proposed utility lot will require access from the main road.

4. **The secondary access road extending from Highway 126 to the Eagle Crest III project shall be constructed no later than the construction and completion of 25 dwelling units within the project.**

This condition will be monitored through the building permits issued for any dwelling units within Eagle Crest III. Once a final plat is recorded for this portion of Eagle Crest III, all dwellings will be monitored for completion to ensure that the secondary access road is constructed as required. If any site plan approvals are granted for other than single-family dwelling lots, the other dwelling units will be monitored to assure that regardless of the type of dwelling unit, the 25-unit threshold for construction of the access road will be met.

5. **The main roads within phase III of the project shall include a paved pedestrian/bike path a minimum of 10 feet wide, including the road connection between phases 2 and 3.**

Staff finds that Eagle Crest Boulevard and William Lyche Drive constitute main roads within this project. Consequently, these roads must be constructed to the minimum 25-foot wide standard, and must also include an additional 10-foot wide bicycle/pedestrian path along the road.

7. **Maintenance of all roads within the project shall be assured through Covenants, Conditions and Restrictions or other homeowner's association documents. These shall be recorded with the first phase of development within the project and shall be binding upon all phases within Eagle Crest III.**

The CC & R's for the third phase will be required to be recorded with the first phase of Eagle Crest III.

8. **The final plats for each phase shall include any necessary utility easements.**

The utility companies did not respond to the transmittal notice sent by staff. It is not clear if any utility easements are necessary.

9. **The applicant shall continue to meet all requirements of the State of Oregon Health Division and Oregon Department of Environmental Quality for construction and use of the community water and sewer systems within the phase III project. The community sewer system within the Eagle Crest resort will require either connection to the City of Redmond's sewer system, or additional on-site construction within the resort property.**

Final plat approval for each phase of the subdivision will require that the applicant submit written verification from OHD and DEQ for compliance with the water and sewer system requirements.

10. **The applicant shall follow the wildlife mitigation as outlined in the plan dated January 7, 2000. Verification of compliance with the plan from the Oregon Department of Fish and Wildlife shall be required two times a year, due on January 1st and July 1st of each calendar year.**

This condition must be met by the applicant throughout the life of the project.

11. **All setback standards under section 18.113.060(G)(2) shall be met by the development within phase III.**

The proposed lots are for single-family residences. As indicated on the tentative plat drawing, the closest lot line to the exterior boundary of this portion of phase III is 150 feet, assuring that any structure will meet the standard under 18.113.060(G)(2)(iii) for above-grade development other than commercial, multi-family and visitor-oriented accommodations. Additionally, there are no roads within 100 feet of the boundary, except for the entrance road, which is allowed.

12. **The open space plan shall be followed as outlined in exhibit no. 9 of the conceptual master plan. Conformance with the open space plan shall require a written report to the Planning Division due by the end of each calendar year.**

The plan is required to be followed and the written report will be required each year.

13. **A Waiver of Remonstrance Easement shall be signed for the entire phase III expansion property prior to recording of any first phase of the project.**

At the time of platting of the first phase of the proposed subdivision, the waiver must be recorded.

14. **At the time of development of the phases identified as Areas 6 and 8 on the master plan, the applicant shall assure compliance with the Surface Mining Impact Area requirements prior to approval of any tentative plat or site plan for development in these areas.**

The applicant is not proposing at this time to develop the areas shown as 6 and 8 on the final master plan.

B. Conformance with Title 17 of the County Code:

A. Chapter 17.16, Approval of Subdivision Tentative Plans

1. 17.16.030, Informational Requirements.

FINDING: The applicant's engineer, W&H Pacific, has prepared a tentative plat and a burden of proof statement which contains all of the information required by this section. The plat has been submitted in support of this application. In addition, a title report has been prepared and submitted in support of the tentative plat.

2. 17.16.100, Required Findings for Approval

A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the requirements of this title and Titles 18 through 21 of this code and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:

FINDING: Compliance with Titles 17 and 18 of the Deschutes County Code is addressed in findings below. Titles 19, 20 and 21 are applicable to the Bend, Redmond and Sisters Urban Growth Boundaries, respectively, and are not applicable to the subject property. The requirements of the Comprehensive Plan are codified within the Zoning Ordinance. Because no change to the Comprehensive Plan is sought by this application, staff finds that conformance with Chapters 17 and 18 also indicate conformance with the Comprehensive Plan. In addition, the proposed subdivision is in conformance with the Final Master Plan approval for Eagle Crest III, as discussed in foregoing findings.

- A. *The subdivision contributes to the orderly development and land use patterns in the area, and provides for the***

preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources.

FINDING: According to the applicant, the proposed development contributes to the orderly development of Eagle Crest III as it is the first phase of Eagle Crest III and is in accordance with the approved Eagle Crest III Final Master Plan. The proposal will provide the connection between Eagle Crest II and III, as approved in the conceptual and final master plans. The road connection to Highway 126 will also be required when 25 dwelling units are completed. It provides for an efficient utilization of land by developing a parcel already approved for the use.

Natural contours will be preserved to some extent because the applicant has generally designed the roads to follow the topography of the site. No special natural resources are found on the subject site. The wildlife mitigation plan and the open space plan must be followed.

Based on the above findings, staff finds the design of the lots will contribute to the orderly development and land use patterns in the area.

B. *The subdivision will not create excessive demand on public facilities, services and utilities required to serve the development.*

FINDING: According to the applicant, the proposed residential lots were contemplated at the time of master plan approval. The Eagle Crest III Master Plan sets the maximum number of dwelling units at 900. Public facilities for Eagle Crest III will be sized for a build-out of 900 units, allowing the proposed subdivision to be developed without any negative effect on existing or future service capacities.

Public street access to Eagle Crest III will be provided initially from an extension of Eagle Crest Boulevard west across BLM land to phase III. A secondary access from Highway 126 will be required when 25 dwelling units have been completed within this phase of Eagle Crest III. The construction of a left-turn refuge and a right-turn deceleration lane at the Highway 126 entrance will be required by ODOT.

Access to the proposed lots will be provided by Eagle Crest Boulevard and William Lyche Drive, with two loop roads extending from these two roads, as well as two proposed cul de sacs. The loop roads will be constructed to a width of 20 feet within a 40-50 foot wide right-of-way; the cul de sacs will be constructed to a width of 20 feet within a 50-foot wide right of way, with 45-foot radius cul de sac bulbs or circles. These new streets will provide efficient and direct access to vehicles, bicyclists, and pedestrians. Trail easements are shown between lots 20-21, 42-43, 33-34 and 7-8 in the first loop, and lots 5-6 and 54-55 in the second loop, as well as at the end of the most easterly cul de sac. Easements for the trail through these lots must be shown on the final plats.

The proposed street layout also provides access for emergency vehicles and allows for efficient evacuation of residents in emergency situations.

Pedestrian and bicycle access is further enhanced by the proposed pathways.

Sanitary sewage disposal will be provided by the Cline Butte (Eagle Crest) Utility Company sanitary sewage disposal system. Pressure sewer lines will be extended from the existing system to serve the proposed lots. These proposed lines are shown on the tentative subdivision plan. All collection and distribution of waste must be done in accordance with the Department of Environmental Quality WPCF permit for Eagle Crest.

Domestic water to the lots will be provided by the existing Cline Butte (Eagle Crest) Utility Company. This system utilizes deep wells and a storage reservoir. The applicant states that the water main extension will interconnect the water delivery system for Eagle Crest II and III. The applicant further states that the existing storage facility, including its fire protection capacity, will be directly available to Eagle Crest III through gravity flow. The applicant will be required to obtain written verification of fire flow requirements from the Redmond Fire Department for the final plats for each phase prior to final plat approval. Water for the fire suppression system will be provided by the installation of fire hydrants at a spacing acceptable to the Redmond Fire Department. The proposed sewer and water lines are shown on the submitted tentative plan.

Electrical power, cable t.v. and telephone service will be provided to each lot through the extension of underground lines. Garbage and recycling service will be provided to each lot.

C. *The tentative plan for the proposed subdivision meets the requirements of Oregon Revised Statutes Section 92.090.*

FINDING: W&H Pacific has created a subdivision tentative plat which contains all of the informational requirements of Title 17, the County Subdivision Ordinance. The requirements of ORS 92.090 have been codified into the County Code in Title 17. Thus staff finds that conformance with Title 17 will ensure the proposal complies with ORS 92.090.

D. *For subdivision or portions thereof proposed within a Surface Mining Impact Area...*

FINDING: The applicant will be required to sign and record a waiver of remonstrance for the subject property prior to or at the same time as the recording of the first plat for this proposed subdivision.

E. *The subdivision name have been approved by the County Surveyor.*

FINDING: The proposed name of the subdivision is Eagle Crest 3, Phase 1 (the Ridge at Eagle Crest 34). Final approval of the proposed name must be obtained prior to final platting.

B. Chapter 17.36, Design Standards.

1. 17.36.020, Streets.

- A. *The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety...*

FINDING: Based on the submitted tentative plan, staff finds the proposed location of the streets and pathways provide for continuation of and connection to the connecting road between Eagle Crest II and III, which has not yet been constructed. When 25 dwelling units are completed in Eagle Crest III, the access road to Highway 126 must be constructed. These connections will provide two access points to the project which assure adequate circulation for all modes of transportation, including emergency vehicles. Proposed street centerlines align with the street centerline for the connecting road between Eagle Crest II and III. Street widths will comply with the standards set forth in CU-99-85 and M-00-1. Street grades will be in compliance with the applicable design standards.

- B. *Streets in subdivisions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned.*

FINDING: This project is located within Eagle Crest, a destination resort. All streets within the subdivision will be private streets, which will be required to be constructed to the applicable standards for private street standards identified in the Master Plan approval.

2. 17.36.080, Future Extension of Streets. *When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.*

FINDING: According to the submitted tentative plan, the subdivision will be the first lots in phase III. Construction of the connecting road between Eagle Crest II and III and extending Eagle Crest Boulevard and William Lyche Drive will allow the two loop roads to be constructed. This will be the first phase in Eagle Crest III, that will provide a continuous road in this portion of the resort. No additional streets will be needed in the area at this time.

3. 17.36.140, Bicycle, Pedestrian and Transit Requirements.

- A. *Pedestrian and Bicycle Circulation within Subdivision:*

FINDING: The applicant states that bicycle paths are proposed in the project. Staff has observed that there are bicycle paths within Eagle Crest II, and the paths in Eagle Crest III will be part of the overall system.

- B. *Subdivision Layout. Cul-de-sacs or dead-end streets shall be allowed only where, due to topographical or environmental constraints, the size and shape of the parcel, or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be*

infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

FINDING: The applicant is proposing two cul de sacs as part of this application. There are no neighborhood activity centers near the proposed project, and it is in a destination resort, where street connections at the boundaries of the property are not critical. Additionally, the adjacent property is BLM land. The cul de sacs must be constructed with a minimum 45-foot radius bulb or loop. Staff finds this criterion to be satisfied.

4. **17.36.160, Easements.**

A. **Utility Easements.** *Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.*

B. **Drainage.** *If a tract is traversed by a water course...*

FINDING: No utility easements have been requested by the electric or phone companies. There are no water courses adjacent to the subject site.

5. **17.36.170, Lots - Size and Shape.** *The size, width and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot or parcel size provisions of Titles 18 through 21 of this code...*

FINDING: The size, width, and orientation of the parcels are appropriate to the use contemplated and meet the requirements of the Eagle Crest Master Plan and Chapters 17 and 18 of the County Code.

6. **17.36.180, Frontage.**

A. *Each lot or parcel shall abut upon a public road for at least fifty feet, except for lots or parcels fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management roads.*

B. *All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical.*

FINDING: All streets within Eagle Crest are private. The proposed lots have frontage on the proposed roads, and the side lot lines are generally at right angles to the street lines.

7. **17.36.210, Solar access performance.**

A. ***As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation...***

FINDING: The proposed lots are subject to the solar setback requirements of Title 18. Many of the lots will have no solar constraints, as they have either right of way or open space/common area directly north of them. The other lots will be subject to the solar constraints of the ordinance.

8. **17.36.260, Fire Hazards. *Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease resident evacuation.***

FINDING: The proposed subdivision will have two access points once the proposed road connection between Eagle Crest II and III is completed, and the road connection to Highway 126 is also completed. The road connection to Highway 126 must be constructed at the time of completion of 25 dwelling units in Eagle Crest III. Therefore, staff finds this criterion to be satisfied.

9. **17.36.300, Public water system. *In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the appropriate state or federal agency. A community water system shall be required where lot or parcel sizes are less than one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in sections 17.24.120 and 17.24.130, a required water system shall be constructed and operational, with lines extended to the lot line of each and every lot depicted in the proposed subdivision or partition plat, prior to final approval.***

FINDING: The Oregon State Health Division has stated that the applicant has an exemption for all distribution piping within the resort. The applicant will need to obtain written verification of the exemption for the proposed lots in phase 1 of Eagle Crest III prior to final plat approval.

D. **Chapter 17.48, Design and Construction Specifications**

1. **17.48.100, Minimum right of way width.**

The minimum right of way is 60 feet unless specified otherwise in Table A.

FINDING: Table A does not identify a minimum right-of-way width for private streets. All the streets within Eagle Crest are private and will be maintained initially the developer and ultimately by the homeowner's association for Eagle Crest. The applicant has proposed 40 and 50-foot rights of way for the main road and for the cul de sacs (50-foot radius for the bulb). Staff finds that this right-of-way width will be sufficient to accommodate the proposed street widths and all utility improvements, and is also allowed by the master plan for Eagle Crest III.

2. **17.48.160. Road Development Requirements – Standards.**

- A. ***Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the county maintained system or the subdivision shall be part of a special road district or a homeowners association in a planned unit development.***

FINDING: The roadways within the proposed subdivision will be private roadways. Maintenance of the roadways will be made a responsibility of the developer initially and ultimately by the homeowners association at some point in the future. Staff finds that the proposed roadways comply with all identified standards.

- F. ***Cul-de-sacs. Cul-de-sacs shall have a length of less than six hundred feet, unless a longer length is approved by the applicable fire protection district, and more than one hundred feet from the center of the bulb to the intersection with the main road. The maximum grade on the bulb shall be four percent.***

FINDING: The proposed cul de sacs range in length from approximately 250 to 400 feet in length, meeting the above standard. As indicated above, the ends of the cul de sacs must have a 45-foot radius bulb or circle to meet the minimum standard.

3. **17.48.180. Private Roads. The following minimum road standards shall apply for private roads:**

- A. ***The minimum paved roadway width shall be twenty-four feet in planned unit developments and cluster developments containing twenty or more residential units when separate paved bicycle/pedestrian ways are provided in such developments, the minimum paved roadway width shall be twenty-eight feet, including four-foot wide bike lanes, and two-foot wide gravel shoulders;***

FINDING: The applicant proposes to construct all streets within this project in accordance with the street standards set forth in CU-99-85 and M-00-1. These documents dictate a 20 width for lesser roadways and a 25 foot width for major through streets. Staff finds that the standards set forth in the above approvals are specific to Eagle Crest and supersede the standards set forth in this criterion. As a condition of approval, all roadways will be constructed in accordance with the standards approved in the Eagle Crest III Final Master Plan.

B. Minimum radius of curvature, fifty feet;

C. Maximum grade, 12 percent;

FINDING: According to the applicant, the proposed roadways within the subdivision are designed to comply with these standards. Further compliance with these standards will be demonstrated by the construction plans for this project, which require approval from the County Road Department.

D. At least one road name sign will be provided at each intersection for each road.

FINDING: The applicant has indicated road name signs will be provided at all intersections. Therefore, staff finds this criterion can be satisfied.

E. A method for continuing road maintenance acceptable to the County;

FINDING: Continuing road maintenance will ultimately be the responsibility of the homeowners association for Eagle Crest. According to the applicant, provisions for the continuing maintenance will be set forth in the CC&R's for Eagle Crest and funded by the collection of association dues.

F. Private road systems shall include provisions for bicycle and pedestrian traffic. Shoulder bike lanes shall be a minimum of 4 feet wide, paved and striped, with no on-street parking allowed within the bikeway. When private roads are developed to a width of less than 28 feet, bike paths constructed to County standards shall be required.

FINDING: The roadways are proposed to be constructed to a width of less than 28 feet. Bicycle/pedestrian paths must be constructed along Eagle Crest Boulevard and William Lyche Drive, as required in the CMP and FMP decisions. According to the submitted burden of proof statement, on-street parking will not be allowed anywhere within Eagle Crest. Sufficient space for off-street parking spaces is provided on each lot, making on-street parking unnecessary.

C. Conformance with Title 18 of the Deschutes County Code.

1. Chapter 18.16, Exclusive Farm Use - EFU Zone.

FINDING: The subject property is zoned for Exclusive Farm Use, with a Destination Resort Combining Zone overlay. The site is within a Destination Resort approved pursuant to the provisions of Chapter 18.113, the DR-Zone. Pursuant to section 18.113.020(B), when the provisions of the DR zone are applicable, "they shall supercede all other provisions of the underlying zone." Therefore, the provisions of Chapters 18.16 are not applicable to the subject proposal.

2. Chapter 18.113, Destination Resort - DR Combining Zone.

FINDING: As stated above, the subject property is located within a Destination Resort approved pursuant to the provisions of Chapter 18.113 (County files CU-99-85 and M-00-1). Pursuant to section 18.113.040, the authorization of a permit for a destination resort consists of three steps: Conceptual Master Plan, Final Master Plan and Site Plan Review. The applicant has received County approval of both the CMP and FMP. Subsection (C) of 18.113.040 provides that:

"Each element or development phase of the destination resort must receive additional approval through the required site plan review (Chapter 18.124 of the County Code). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of this chapter and the FMP."

The applicant is seeking tentative subdivision plan plat approval for the development. The proposed lots will be created through the subdivision process. The proposal is in compliance with the Final Master Plan as discussed above.

IV. CONCLUSIONS:

The applicant has demonstrated conformance with all applicable standards of Title 17 and 18 of the County Code if all of the following conditions are met.

V. DECISION:

APPROVAL

VI. CONDITIONS OF APPROVAL

1. Approval is based upon the submitted plan. Any substantial change in the subdivision will require a new application.
2. The applicant shall have a licensed land surveyor prepare a subdivision plat for each phase which conforms with Oregon Revised Statutes Chapter 92 and Title 17 of the Deschutes County Code. The plat shall contain a statement of water rights, and the certificate or permit number, if a water right or permit is appurtenant to the subdivision. The final plat shall include the exact lot sizes for each lot.
3. All ad valorem taxes, fees, and other charges that have become a lien on the property shall be paid.
4. Any and all proposed road names must be approved by the property address coordinator before final approval. Road signs shall be placed at all intersections.
5. All existing and proposed easements and rights-of-way shall be shown on the final plat. The final plat shall also indicate the 150-foot building setback requirement of the destination resort ordinance; the setback shall be shown as dashed lines and labeled on the final plat.

6. The final plat shall meet all requirements for necessary information as required in Section 17.24.060 of the Deschutes County Code.
7. The location of the fire hydrants shall be approved by the Redmond Fire Department. All hydrants must be installed and operational and all roads must meet minimal fire code standards prior to final plat approval. The applicant shall submit a letter from the Redmond Fire Department indicating the required fire protection facilities have been constructed prior to final plat approval.
8. The applicant shall construct all improvements under the inspection and approval of the Deschutes County Road Department. The Road Department may accept certification of a registered professional engineer consistent with ORS 92.097.
9. Eagle Crest Boulevard and William Lyche Drive shall be constructed to the minimum 25-foot standard, and must also include an additional 10-foot wide bicycle/pedestrian path along the road.
10. A Waiver of Remonstrance for surface mining site no. 252 shall be recorded for the subject property prior to or at the same time as the final plat for the first phase of this subdivision.
11. The applicant shall submit an up-to-date letter from the Oregon Health Division verifying approval of the domestic water system for phase III.
12. The primary access road from Eagle Crest II to Eagle Crest III shall be constructed prior to final plat approval of the first phase of the proposed subdivision. The secondary access road to Highway 126 shall be constructed when 25 dwelling units have been completed within Eagle Crest phase III. These roads shall be constructed to the standards established under file nos. CU-99-85 and M-00-1, including bicycle/pedestrian paths.
13. Street signs shall be required at all intersections within the proposed subdivision.
14. The proposed trail through the subdivision shall be completed as shown on the tentative plan prior to final plat approval of the phases through which the trail extends.
15. The cul de sacs shall be constructed with minimum 45-foot radius bulbs or circles. The loop roads and non-bulb sections of the cul de sacs shall be improved to the minimum 20-foot wide standard required under CU-99-85 and M-00-1.
16. The erosion control and water conservation plan shall require continuous monitoring by the applicant.
17. The applicant shall provide at the time of final plat review application verification that the 50 percent open space, maximum density dwelling units, and individually owned residential units standards are met prior to final plat approval.

13939

VII. DURATION OF APPROVAL:

Final plat approval of the first phase of this proposed subdivision shall be submitted within two (2) years of the date this decision becomes final, or otherwise extended through the provisions of Title 22 of the County Code, or the approval shall be void. All subsequent phases within this phase 1 of Eagle Crest III subdivision shall be recorded within 3 years of the recording of the final plat for the first phase.

This decision becomes final twelve (12) days from the date mailed, unless appealed by a party of interest.

DESCHUTES COUNTY PLANNING DIVISION

RECEIVED

MAR 07 2022

Written by: Paul Blikstad, Associate Planner

OWRD

Reviewed by: Kevin M. Harrison, Principal Planner

PEB

RECEIVED

MAR 07 2022

OWRD

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

(1) OWNER:

Well Number: #9

Name: Eagle Crest Resort
Address: 920 SW Emkay DR Suite C-100
City: Redmond State: OR Zip: 97702

(2) TYPE OF WORK: (repair/
 New Well Deepening Alteration/recondition Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other: _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No
Depth of Completed Well 735"
Explosives Used Yes No Type --- Amount ---

Diameter	HOLE		Material	SEAL		sacks or pounds
	From	To		From	To	
23	0	20	Cement	0	20	34 Sacks
17	20	736	---	---	---	---

How was seal placed: Method A B C D E
 Other _____
Backfill placed from _____ to _____ Material _____
from _____ to _____ Material _____
Gravel placed from 635 to 736 Size of gravel #6-9sand

(6) CASING/LINER:

CASING:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
18"	+1	20	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14"	20	630	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	663	671		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8"	731	736	.250	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:

Perforations Method: _____
 Screen Type: _____ Material: SS
Slot _____ Tele/pipe _____

From	To	Size	No.	Diameter	size	Casing	Liner
628	663	.20		8"	P	<input type="checkbox"/>	<input checked="" type="checkbox"/>
671	731	.20		8"	P	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian
Yield gpm _____ Drawdown _____ Drill Stem at _____ Time _____

500'	610	8
------	-----	---

Temperature of water 51 Depth Artesian Flow Found ---
Was a water analysis done? --- By whom: ---
Did any strata contain water not suitable for intended use? (explain)

Depth of Strata: ---

(9) LOCATION OF WELL by legal description:

County: Deschutes Latitude: _____ Longitude: _____
Township: 15 S Range: 12 E
Section: 16 NE 1/4 NE 1/4
Tax Lot: 4800 Lot: N/A Block: _____ Subdivision: _____
Street Address of Well (or nearest address) _____
Eagle Crest Dr

(10) STATIC WATER LEVEL:
508 Ft. below land surface Date 11/15/01
Artesian pressure _____ lb. per sq. in. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found

From	To	Est. Flow Rate	SWL
630	660	200+	508
671	730	500+	508

(12) WELL LOG: Ground Elevation: _____

Material	From	To	SWL
Top Soil	0	2	
Basalt Gray Vic	2	8	
Basalt Gray	8	34	
Cinders Black	34	40	
Cinders Loose Cir	40	62	
Basalt Gray	62	78	
Basalt Multi Color Loose Circulation	78	136	
Basalt Gray	136	148	
Basalt Brown with Red & Black Soft	148	242	
Gray Pumi with Multi Color Soft	242	267	
Brownish Gray Rock some Gray	267		
Pumi Soft		302	
Gray Rock Soft Med	302	324	
Multi Color Rock Most Brown	324	380	
Brownish Red Rock w/Pumi Med Soft	380	435	
Basalt Black & Gray Hard	435	540	
Multi Color Rock Red & Brown Mostly	540	602	
SandStone	602	626	508
Basalt Med-Hard Gray	626	671	
Cinders Red Green	671	736	508

RECEIVED

FEB 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Date Started: 5/21/01 Completed: 11/15/01

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Don Donly WWC Number 1487
Date 11/20/01

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed _____ WWC Number 723
Date 11/20/01

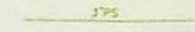



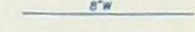


13939

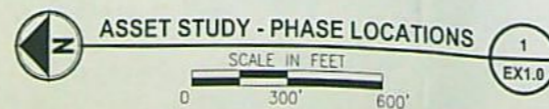
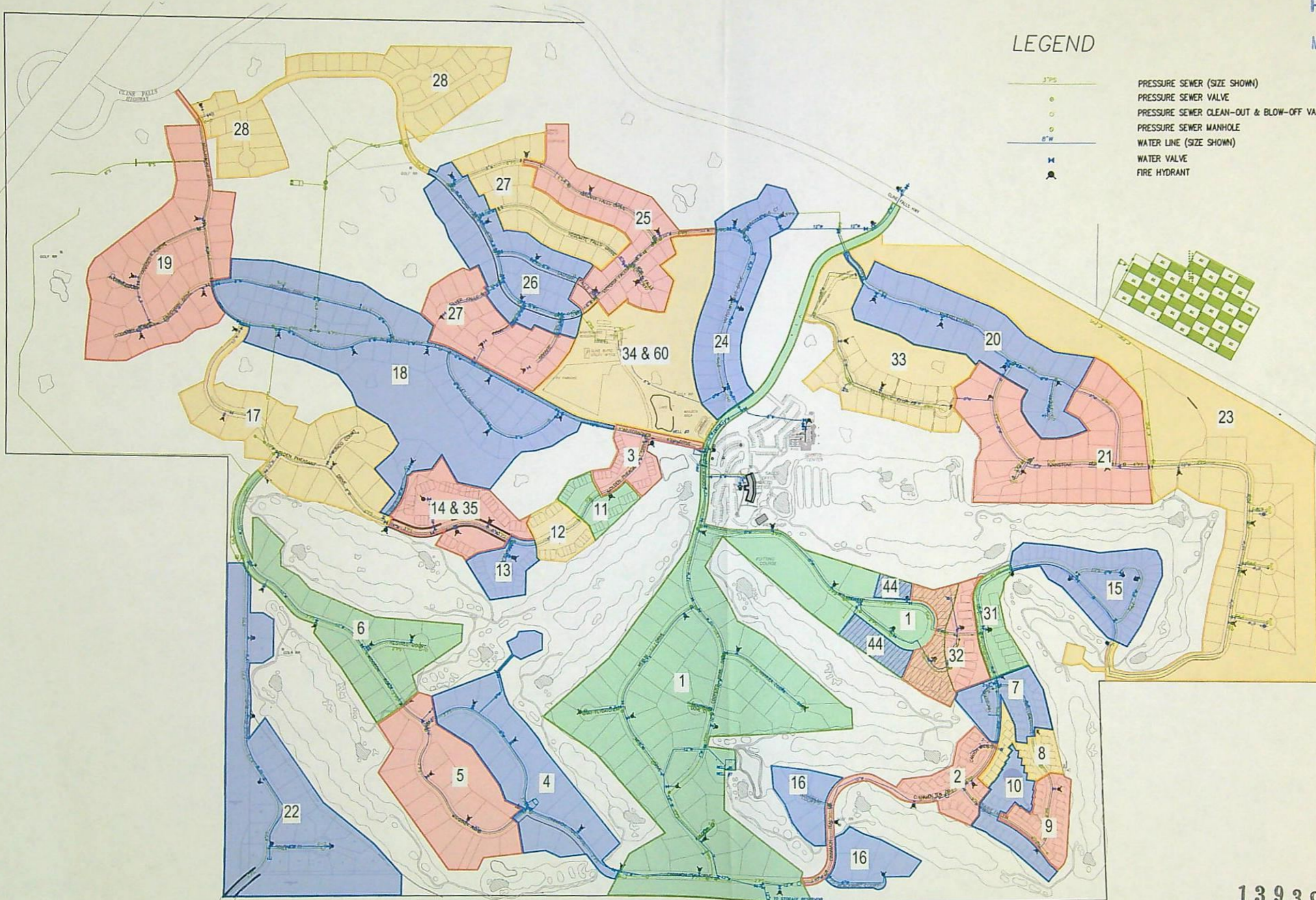
RECEIVED

MAR 07 2022

OWRD

LEGEND

-  3"PS PRESSURE SEWER (SIZE SHOWN)
-  1" PRESSURE SEWER VALVE
-  1" PRESSURE SEWER CLEAN-OUT & BLOW-OFF VALVE
-  1" PRESSURE SEWER MANHOLE
-  12" W WATER LINE (SIZE SHOWN)
-  1" W WATER VALVE
-  1" W FIRE HYDRANT



13939

THIS PLAN IS SCHEMATIC ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINE

REVISIONS	DATE	BY

ONE INCH AT FULL SCALE NOT SCALE ACCORDINGLY

Parametrix
ENGINEERING PLANNING ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701
P 541.508.7710
WWW.PARAMETRIX.COM

DATE: 8/25/2017
JOB NO: 297-8010-001
DESIGNED: []
DRAWN: []
CHECKED: []
APPROVED: []

PRELIMINARY

PROJECT NAME
ASSET STUDY
PHASE LOCATIONS
XX

EAGLE CREST II

DRAWING NO.
1 OF XX
EX1.0

FILE: EAGLECRESTASSETSTUDY LAYOUT: EAGLE CREST II PATH: U:\Bend\Projects\Clients\8010-Oregon Water Utilities\2017-8010-001-Asset Study Update\995sec\CADD\DWG\DWGPRINTS PLOTTED BY: herymyr DATE: Friday, August 25, 2017 2:15:05 PM

FILE: EAGLECRESTASSETSTUDY LAYOUT: EAGLE CREST III PATH: U:\Bend\Projects\Chenit\8010-Oregon Water Utilities\297-8010-001 Asset Study Update\995vec\CA00\DWG\DHIBITS PLOTTED BY: herrymer DATE: Friday, August 25, 2017 2:15:07 PM

RECEIVED
MAR 07 2022

OWRD

LEGEND

- 3"PS PRESSURE SEWER (SIZE SHOWN)
- 6" PRESSURE SEWER VALVE
- 6" PRESSURE SEWER CLEAN-OUT & BLOW-OFF VALVE
- 6" PRESSURE SEWER MANHOLE
- 6"W WATER LINE (SIZE SHOWN)
- WATER VALVE
- FIRE HYDRANT
- PRIVATE PRESSURE REDUCING VALVE (NOT INCLUDED IN ASSET REVIEW)

REVISIONS	DATE	BY

ONE INCH
EIGHT EIGHT EIGHT
SCALE
NOT SCALE
ACCORDINGLY

Parametrix
ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES
150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701
P: 541.508.7710
WWW.PARAMETRIX.COM

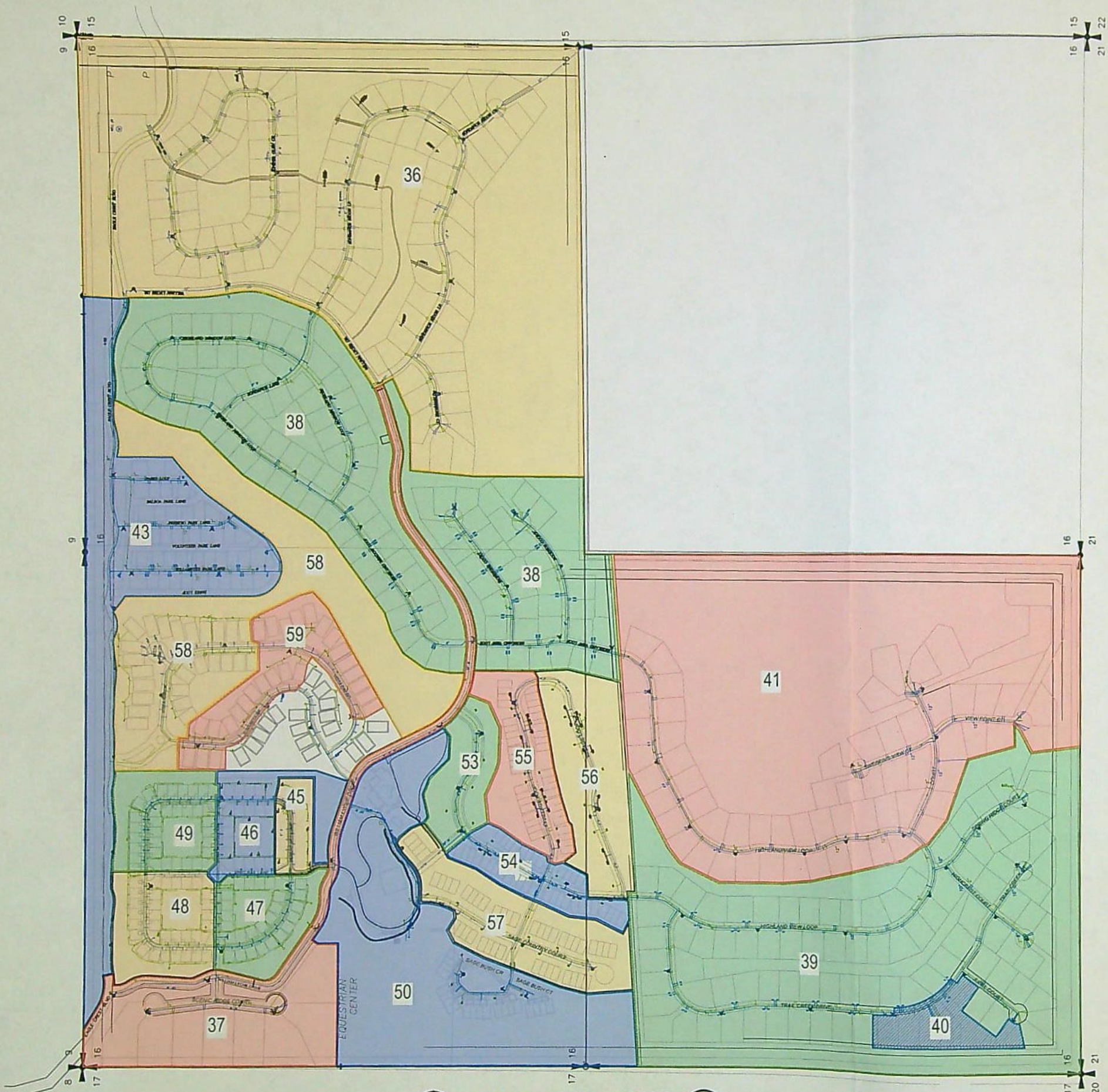
DATE: 8/25/2017	DESIGNED: MUI	CHECKED: MUI
DRAWN: MUI	APPROVED: MUI	

PRELIMINARY

PROJECT NAME
ASSET STUDY
PHASE LOCATIONS
REDMOND, OR

EAGLE CREST III

DRAWING NO.
2 OF XX
EX1.1



ASSET STUDY - PHASE LOCATIONS
SCALE IN FEET
0 300' 600'
EX1.1

13939

THIS PLAN IS SCHEMATIC ONLY
AND IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINE

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

RECEIVED

MAR 07 2022

OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.oregon.gov/OWRD

RECEIVED

MAR 07 2022

OWRD

Applicant(s): Oregon Water Utilities - Cline Butte Inc.

Mailing Address: 1325 N Grand Covina Suite 100

City: Covina

State: CA

Zip Code: 91724

Daytime Phone: (877) 405-1760

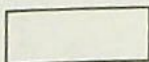
A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NE NE</u>	<u>151216A A00300</u>	<u>EFUSC with DR Overlay</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>15</u>	<u>SW SE</u>	<u>151215D 006500</u>	<u>EFUSC with DR Overlay</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>NW SW</u>	<u>151214C B10400</u>	<u>EFUSC with DR Overlay</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NE NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NW NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NE NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>SW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>SE NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>SW NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>SE NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NW SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NE SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>SW SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>

<u>15S</u>	<u>12E</u>	<u>16</u>	<u>SE SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Divert <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>15</u>	<u>SW NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used RECEIVED	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>15</u>	<u>SE NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used MAR 07 2022	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>15</u>	<u>NW SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used OWRD	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>15</u>	<u>NE SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>15</u>	<u>SW SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>15</u>	<u>SE SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>NW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>NE NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>SW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>SE NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>NW SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>NE SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>SW SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>SE SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>NW SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>NE SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>SW SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>14</u>	<u>SE SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>13</u>	<u>SW SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>22</u>	<u>NW NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>22</u>	<u>NE NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>

<u>15S</u>	<u>12E</u>	<u>22</u>	<u>SE NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Divert	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>NW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>NE NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>NW NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>NE NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>SW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>SE NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>SW NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>SE NE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>NW SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>23</u>	<u>NE SE</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>24</u>	<u>NW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>24</u>	<u>SW NW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>24</u>	<u>NW SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>
<u>15S</u>	<u>12E</u>	<u>24</u>	<u>SW SW</u>	<u>Multiple</u>	<u>EFUSC with DR Overlay</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Quasi-Municipal</u>



Well site



Areas of Use Associated with Water Right C-85472



Areas of Use Associated with Water Right T-10929

RECEIVED

MAR 07 2022

OWRD

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Eagle Crest Resort, Redmond, Deschutes County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

13939

Estimated quantity of water needed: 15 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

New point of appropriation (POA) under two existing water rights. The new POA is proposed for redundancy and resiliency purposes for the existing Eagle Crest water supply system. The new POA will be a groundwater well with a pumping capacity of approx. 1500 gpm which will increase system redundancy so that maximum day demand can be met with largest source out of service.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

RECEIVED
MAR 07 2022
OWRD

13939

For Local Government Use Only

OWRD

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
TP-00-918		<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

See attached land use approval

Name: RACHEL VICKERS Title: ASSISTANT PLANNER

Signature: [Signature] Phone: (541) 388-6504 Date: 3/1/2022

Government Entity: DESCHUTES COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: OREGON WATER UTILITIES - CLINE BUTTE INC

City or County: Deschutes Staff contact: _____

Signature: [Signature] Phone: 541 388-6504 Date: 3/1/2022

13939

APPROX. LOCATION OF WELLS 9 AND 10

EAGLE CREST III

Eagle Crest

APPROX. LOCATION OF WATER STORAGE TANK

EAGLE CREST II

EAGLE CREST I

McKenzie Hwy

Cline Falls Rd

Deschutes River

Cline Falls Rd

RECEIVED
AUG 07 2022
CWRT

EAGLE CREST AERIAL IMAGERY
IMAGE CAPTURE DATE: 07/29/2018

RECEIVED

MAR 07 2022

PARAMETRIX

Form 01-FN-1/Rev. 01/04

OWRD

CHECK REQUEST

Supporting backup (invoice, receipt, quote, etc.) is **REQUIRED** with check request.

FOR: Vendor payment requests
 Employee expense advances

Voucher #: OWRD

FROM:
Heather Hopper

TODAY'S DATE:
21-Feb-22

NAME & ADDRESS OF RECIPIENT:
Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301-1271

Attention:

CHECK NEEDED:

Next Check Run

Date Needed: _____
(Please indicate specific date needed)

DELIVER CHECK TO: Mail to above recipient
 Deliver to: _____ Bend office

AMOUNT REQUESTED: **\$1,840.00**

PROJECT #	PHASE #	TASK #	ACCOUNT CODE	ORGANIZATION (ORG)
297-8010-010	10	01	53030	2900

EXPLANATION:
Certificate #85472 Transfer Application Fee

SIGNATURES:

Supervisor Signature

A/P Received

A/P Entered

Voucher 0210550

TRANSMITTAL

RECEIVED

MAR 07 2022

OWRD

TO: Oregon Department of Water Resources
725 Summer Street NE, Suite A
Salem, OR 97301-1271

DATE: March 02, 2022
PROJECT NUMBER: 297-8010-010
PROJECT NAME: Eagle Crest Well 10

THESE ARE:	<input type="checkbox"/> PER YOUR REQUEST	SENT VIA:	<input type="checkbox"/> U.S. MAIL	<input type="checkbox"/> EXPRESS SECOND DAY
	<input type="checkbox"/> FOR YOUR INFORMATION		<input type="checkbox"/> EMAIL/ELECTRONIC	<input type="checkbox"/> COURIER
	<input type="checkbox"/> FOR YOUR REVIEW AND APPROVAL		<input type="checkbox"/> FTP	<input type="checkbox"/> HAND DELIVERY/PICK UP
	<input type="checkbox"/> FOR YOUR FILES		<input type="checkbox"/> GROUND SERVICE	<input type="checkbox"/> INTEROFFICE MAIL
	<input checked="" type="checkbox"/> FOR YOUR ACTION		<input type="checkbox"/> EXPRESS OVERNIGHT	

WE ARE TRANSMITTING THE FOLLOWING MATERIALS:

- C-85472 Transfer Application with the following attachments and supplemental information:
 - Transfer Application Map
 - Eagle Crest II – Asset Study System Map
 - Eagle Crest III – Asset Study System Map
 - Evidence of Use Affidavit with attached supplemental information:
 - Aerial Imagery
 - OWRD Land Use Information Form
 - DESC 54485 (Well 9) Well Log
- (1) Check for Transfer Application

COMMENTS/MESSAGE:

A separate package will be sent at a later date that will include a Transfer Reimbursement Authority Estimate Application for expediting this transfer (C-85472) as well as a second application for another transfer (C-96053) and a check (totaling \$250) for the required application fee (\$125 each)

Sincerely,

cc: Niall Boggs, PE



Seth Rankin, PE

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>Corey</u>	Type of Change(s) Proposed: <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>3/9/22</u>		Gov Action	Surface to Ground	USE	POA	<u>APOA</u>
Fee Received: \$ <u>1,840.00</u>						
Calculated Fee: \$ <u>1840.00</u>			How many rights to be Transferred? <u>1</u>			
Additional Observations: _____		Certificate # <u>85472</u>				

If OK and complete, check box to the left; if NOT, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? N/A.
Name of the district: _____
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? Yes No
7. If a change in point of appropriation (POA), have the well logs been included? N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.

OR: If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: Received Date: 3/9/22

TRANSMITTAL

RECEIVED

TO: Oregon Department of Water Resources
725 Summer Street NE, Suite A
Salem, OR 97301-1271

DATE: March 03, 2022

MAR 23 2022

PROJECT NUMBER: 297-8010-010

PROJECT NAME: Eagle Crest Well 10

OWRD

THESE ARE:	<input type="checkbox"/> PER YOUR REQUEST	SENT VIA:	<input type="checkbox"/> U.S. MAIL	<input type="checkbox"/> EXPRESS SECOND DAY
	<input type="checkbox"/> FOR YOUR INFORMATION		<input type="checkbox"/> EMAIL/ELECTRONIC	<input type="checkbox"/> COURIER
	<input type="checkbox"/> FOR YOUR REVIEW AND APPROVAL		<input type="checkbox"/> FTP	<input type="checkbox"/> HAND DELIVERY/PICK UP
	<input type="checkbox"/> FOR YOUR FILES		<input type="checkbox"/> GROUND SERVICE	<input type="checkbox"/> INTEROFFICE MAIL
	<input checked="" type="checkbox"/> FOR YOUR ACTION		<input type="checkbox"/> EXPRESS OVERNIGHT	

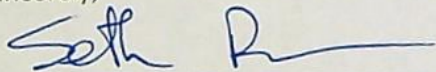
WE ARE TRANSMITTING THE FOLLOWING MATERIALS:

- C-85472 Transfer Reimbursement Authority Estimate Application for expedited review
- C-96053 Transfer Reimbursement Authority Estimate Application for expedited review
- (1) Check for both Estimate Applications (Totaling \$250)

COMMENTS/MESSAGE:

Two separate parcels containing transfer applications and supporting documentation for C-85472 and C-96053 were mailed to the department on a prior date. This package is a follow-up to those previous separate two packages.

Sincerely,



Seth Rankin, PE

cc: Niall Boggs, PE, CWRE

RECEIVED

MAR 23 2022

Form 01-FN-1/Rev. 01/04

PARAMETRIX

CHECK REQUEST

OWRD

Supporting backup (invoice, receipt, quote, etc.) is **REQUIRED** with check request.

FOR: Vendor payment requests
 Employee expense advances

Voucher #: OWRD

FROM:
Heather Hopper

TODAY'S DATE:
21-Feb-22

NAME & ADDRESS OF RECIPIENT:
OWRD/Transfer Reimbursement Authority Prog
725 Summer St NE, Suite A
Salem, OR 97301-1271

CHECK NEEDED:
 Next Check Run
 Date Needed: _____
(Please indicate specific date needed)

Attention:

DELIVER CHECK TO: Mail to above recipient
 Deliver to: _____ Bend office

AMOUNT REQUESTED: \$125.00

PROJECT #	PHASE #	TASK #	ACCOUNT CODE	ORGANIZATION (ORG)
297-8010-010	10	01	53030	2900

EXPLANATION:
Certificate #96053 Transfer Application Expedited Review Request Fee

SIGNATURES:

Supervisor Signature

A/P Received A/P Entered

VOUCHER 0210552

RECEIVED

MAR 23 2022

Form 01-FN-1/Rev. 01/04

PARAMETRIX

OWRD

CHECK REQUEST

Supporting backup (invoice, receipt, quote, etc.) is **REQUIRED** with check request.

FOR: Vendor payment requests
 Employee expense advances

Voucher #: OWRD

FROM:
Heather Hopper

TODAY'S DATE:
21-Feb-22

NAME & ADDRESS OF RECIPIENT:
OWRD/Transfer Reimbursement Authority Prog
725 Summer St NE, Suite A
Salem, OR 97301-1271
Attention:

CHECK NEEDED:
 Next Check Run
 Date Needed: _____
(Please indicate specific date needed)

DELIVER CHECK TO: Mail to above recipient
 Deliver to: _____ Bend office

AMOUNT REQUESTED: \$125.00

PROJECT #	PHASE #	TASK #	ACCOUNT CODE	ORGANIZATION (ORG)
297-8010-010	10	01	53030	2900

EXPLANATION:
Certificate #85472 Transfer Application Expedited Review Request Fee

SIGNATURES:

Supervisor Signature

A/P Received A/P Entered

VOUCHER 0210551