

Regular

RA

Name Oregon Water Utilities - Cline Butte Inc.

Attn: Jorge Lopez, PE

Address 1325 N Grand Covina, Suite 100  
Covina, CA 91724  
jlopez@snwuc.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well

Trib. of Deschutes Basin

Use Quasi-Municipal

County Deschutes

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G-12905 Per # G-11762 Cert # 96053 PR Date 5/4/1992

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
3-23-2022	\$1840. <sup>00</sup>	137737
3-23-2022	\$125. <sup>00</sup>	137736
4-26-2022	\$1,859. <sup>38</sup>	137989
4-11-2023	850.20	13950

Change in POA

Date Filed 3-23-2022

Initial notice date 4-5-2022

DPD issued date

PD issued date 4-26-2023

PD notice date 5-2-2023

Date of FO 6/12/2023 Vol 178 Page 475-478

FEES REFUNDED		
Date	Amount	Receipt #

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District Swalley Irrigation District

Agent Parametrix - Niall Boggs : nboggs@parametrix.com

CWRE

CC's list Deschutes County

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

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

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

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

**Findings of Fact**

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

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

5. The right to be transferred is as follows:

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

**Authorized Points of Appropriation:**

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

**Authorized Place of Use:**

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

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

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

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

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

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump and pipeline sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13950.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

**Conclusions of Law**

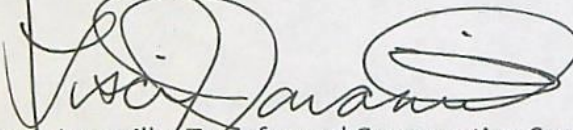
The additional point of appropriation proposed in Transfer Application T-13950 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The additional point of appropriation proposed in Transfer Application T-13950 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96053 and any related decree.
3. Water right Certificate 96053 is cancelled.
4. The quantity of water diverted at the additional point of appropriation (Well 10) , together with that diverted at the original points of appropriation (Wells 6, 7, 8, and 9), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 6, 7, 8, and 9).

5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUN 12 2023**



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

Mailing date:         **JUN 13 2023**



# 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

June 12, 2023

JORGE LOPEZ

1325 N GRAND AVE SUITE 100

COVINA, CA 91724-4044

REFERENCE: Transfer Application T-13950

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) 986-0890 or by e-mail at

[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)

Sincerely,

Flor Pena

Water Rights Services Support

Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)

Niall Boggs, Agent

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13950

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

*(2A)*  
*signed 5.9.2022*

<b>Applicant:</b> JORGE LOPEZ 1325 N GRAND AVE SUITE 100 COVINA, CA 91724-4044 Email: _____ Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A NIAL BOGGS 150 NW PACIFIC PARK LANE SUITE 110 BEND, OR 97701 Email: _____ Phone: _____
<b>Irrigation District:</b> <input type="checkbox"/> N/A Swalley Irrigation District Email: _____	<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A County Of Deschutes Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____	<b>Receiving Landowner:</b> <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"/>	G-12905	G-11762	96053	<input type="checkbox"/> Yes <input 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 23, 2022	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1840.00	WM District: 11	ODFW District:
Initial Public Notice: April 5, 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 checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent: <i>3-29-23</i>	News \$ received: <i>4/11/23</i>
Request to publish sent:	Affidavit of publication received: <i>5/12/23</i>	Last day of publication: <i>5/5/23</i>

*Bond Bulletin*

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>12-1-22</i> Initials: <i>Scott</i>	Date: <i>1/15/23</i> Initials: <i>AW</i>	Date: _____ Initials: _____	Date: <i>1/19/23</i> Initials: <i>PKS</i>	Date: <i>1/5/23</i> Initials: <i>Scott</i>	CW Sent: <i>1/5/23</i>	N/A
PD	Date: <i>3/7/23</i> Initials: <i>Scott</i>	Date: <i>3/14/23</i> Initials: <i>AW</i>	Date: _____ Initials: _____	Date: <i>3/17/23</i> Initials: <i>PKS</i>	Date: <i>3/28/23</i> Initials: <i>Scott</i>	Date: <i>4/21/23</i>	Date: <i>4-26-23</i>
FO	Date: <i>4/24/23</i> Initials: <i>Scott</i>	Date: <i>5/1/23</i> Initials: <i>AW</i>	Date: _____ Initials: _____	Date: <i>5/10/23</i> Initials: <i>PKS</i>	Date: <i>5/17/23</i> Initials: <i>Scott</i>	Date: <i>5/12/23</i>	Date: _____

Special Issues: *REQ to DATA (3/28/23)* *NEED NEWSPAPER AFFIDAVIT*  
 Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_  
*REQ 5/12/23*

*can publish on June 5, 2023*

# TRANSMITTAL

TO: Scott A. Grew  
Oregon Water Resources Department  
725 Summer Street NE, Ste A  
Salem, OR 97301-1266

DATE: April 6, 2023  
PROJECT NUMBER: 297-8010-010 10.01  
PROJECT NAME: T-13950 Notice (Transfer Application)

THESE ARE:  PER YOUR REQUEST  
 FOR YOUR INFORMATION  
 FOR YOUR REVIEW AND APPROVAL  
 FOR YOUR FILES  
 FOR YOUR ACTION

SENT VIA:  U.S. MAIL  EXPRESS SECOND DAY  
 EMAIL/ELECTRONIC  COURIER  
 FTP  HAND DELIVERY/PICK UP  
 GROUND SERVICE  INTEROFFICE MAIL  
 EXPRESS OVERNIGHT

WE ARE TRANSMITTING THE FOLLOWING MATERIALS:

T-13950 Notice: Check #265355 dated 4/5/2023 for \$880.20

COMMENTS/MESSAGE:

For Transfer Application (see included email correspondence included with this check)

RECEIVED

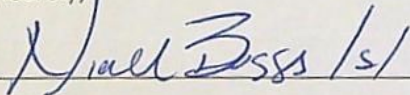
APR 11 2023

OWRD

APR 11 2023

OWRD

Sincerely,



Niall Boggs

cc: Scott Grew, via email and USPS hard copy



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 # **140487**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Parametrix, Inc.  
BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-13950

CASH:  CHECK: # 265355 OTHER: (IDENTIFY)

TOTAL REC'D \$ 880.20

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118 \$ \_\_\_\_\_

0207 OTHER: (IDENTIFY) Newspaper Notice \$ 880.20

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	\$ _____		
	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 (FWWRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

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

RECEIPT: **140487** DATED: 4-11-23 BY: Lisa D. Miner

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

Account Number:  
PARAMETRIX, INC.  
INVOICE NUMBER

DATE  
3/30/2023

VOUCHER NO.  
0221489

AMOUNT  
880.20

Account Number:

OWRD

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

265355

265355

RECEIVED  
APR 11 2023  
OWRD

TOTAL:

880.20

**Affidavit of Publication**  
STATE OF OREGON, COUNTY OF DESCHUTES

I, Julius Black, a citizen of the United State and a resident of the county aforesaid; I am over the age of eighteen years, and not part to or interested in the above-entitled matter. I am the principal clerk of the printer of

**The Bulletin**

P.O. BOX 6020, BEND, OR 97708

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 192.010 and ORS 192.020, that

**Acct Name:** OREGON WATER RESOURCES DEPT

**PO Number:**

**Legal Description:** NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-13950 T-13950 FILED BY OREGON WATER UTILITIES - CLINE BUTTE INC JORGE LOPEZ PE 1325 N GRAND AVE SUITE 100 COVINA CA 91724-4044 PROPOSES

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates to wit:

**4/28/23, 5/05/23**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated at Bend, Oregon, this 5th day of May, 2023

AdName: 376434

State of Oregon, County of Deschutes

Subscribed and Sworn to before me this 5th day of MAY, 2023 by

RECEIVED

MAY 12 2023

OWRD  
SALEM, OREGON



Notary Public for Oregon



<p>No. _____</p> <p>in the _____ Court of the</p> <p style="text-align: center;"><b>STATE OF OREGON</b> for the <b>COUNTY OF DESCHUTES</b></p> <p style="text-align: center;"><b>AFFIDAVIT OF PUBLICATION</b></p> <p>Filed. _____</p> <p>By _____</p> <p>From the office of _____</p> <p>Attorney for _____</p>	
---	--

**Notice of Preliminary  
Determination for**

**Water Right Transfer T-13950**

T-13950 filed by Oregon Water Utilities - Cline Butte Inc., Jorge Lopez, PE, 1325 N. Grand Ave, Suite 100, Covina, CA 91724-4044, proposes an additional point of appropriation under Certificate 96053. The right allows the use of 3.0 cubic feet per second (cfs) from four wells in Sects. 14, 15, and 16, T15S, R12E, WM for quasi-municipal use in Sects. 13, 14, 15, 22, 23, and 24, T15S, R12E, WM. The applicant proposes an additional point of appropriation in Sec. 16, T15S, R12E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 5/5/2023. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**Notice of Preliminary  
Determination for**

**Water Right Transfer T-13950**

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RECEIVED

MAY 12 2023

OWRD  
SALEM, OREGON

**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.

1. Article Addressed to:

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



9590 9402 6816 1074 5420 17

2. Article Number (Transfer from service label)

7019 0140 0000 7349 7640

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- 
- Agent
- 
- 
- Addressee

B. Received by (Printed Name)

Norma P.

C. Date of Delivery

- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**RECEIVED**

MAY 08 2023

OVRD

3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                               | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |   |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |



# 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](http://www.oregon.gov/owrd)

April 26, 2023

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

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-13950

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13950. 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 and in the Bend Bulletin newspaper, 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 last date of newspaper publication.

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](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

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

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

4. The right to be transferred is as follows:

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

**Authorized Points of Appropriation:**

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

**Authorized Place of Use:**

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

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

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

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

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

6. 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.
7. A pump and pipeline sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13950.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.
10. All other application requirements are met. 1000 8 9 99A

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13950 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.

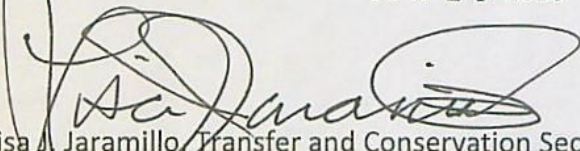
*If Transfer Application T-13950 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-13950 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96053 and any related decree.*
3. *Water right Certificate 96053 is cancelled.*
4. *The quantity of water diverted at the additional point of appropriation (Well 10), together with that diverted at the original points of appropriation (Wells 6, 7, 8, and 9), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 6, 7, 8, and 9).*



5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **APR 26 2023**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING 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](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.

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

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

Lora Crackenberger

---

From: Niall Boggs  
Sent: Wednesday, March 29, 2023 10:50 AM  
To: Heather Hopper  
Subject: FW: T-13950 Newspaper Notice Fee - Action Required

Check request needed for eagle crest

---

From: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
Sent: Wednesday, March 29, 2023 10:37 AM  
To: Jorge Lopez <jlopez@swwc.com>; Niall Boggs <NBoggs@parametrix.com>  
Cc: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>; GIFFIN Jeremy T \* WRD <Jeremy.T.GIFFIN@water.oregon.gov>  
Subject: T-13950 Newspaper Notice Fee - Action Required

March 29, 2023

**Applicant**

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

RECEIVED

APR 11 2023

OWRD

SUBJECT: Water Right Transfer Application T-13950

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

**Items needed before the next phase of processing...**

At this time you need to:

1. submit a check for \$ 880.20 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13950 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than April 28, 2023.**

**What happens next...**

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Bend Bulletin newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

**If we do not receive payment for newspaper notice by April 28, 2023, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,  
Scott Grew  
Transfer Specialist

cc: T-13950  
Jeremy T. Giffin, District 11 Watermaster (via e-mail)  
Niall Boggs, Agent for the applicant (via e-mail)

✂-----

**Attached** is a check for \$ 880.20 (PCA #46118) for Newspaper Notice for Transfer T-13950 made out to Oregon Water Resources Department ( or WRD)

- "for T- 13950 NOTICE" written on front of check

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Caseworker: Scott Grew

RECEIVED

APR 11 2023

OWRD

## **GREW Scott A \* WRD**

---

**From:** GREW Scott A \* WRD  
**Sent:** Wednesday, March 29, 2023 10:37 AM  
**To:** jlopez@swwc.com; Niall Boggs  
**Cc:** GREW Scott A \* WRD; GIFFIN Jeremy T \* WRD  
**Subject:** T-13950 Newspaper Notice Fee - Action Required

March 29, 2023

### **Applicant**

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

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**If we do not receive payment for newspaper notice by April 28, 2023, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,  
Scott Grew  
Transfer Specialist

## GREW Scott A \* WRD

---

**From:** BUCHHOLZ Sheila L \* WRD  
**Sent:** Wednesday, March 29, 2023 9:15 AM  
**To:** GREW Scott A \* WRD; MARTIN Duff A \* WRD  
**Subject:** RE: PD review for RA Transfer T-13950

Hi Scott,

This RA PD Transfer has been completed without issue.  
Time taken was 50 minutes.

Have a great day,

*Sheila Buchholz*

Data Technician 1  
725 Summer St. NE, Suite A | Salem, Oregon 97301  
Email: [Sheila.L.Buchholz@water.oregon.gov](mailto:Sheila.L.Buchholz@water.oregon.gov)



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WATER  
RESOURCES  
DEPARTMENT

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---

**From:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Sent:** Tuesday, March 28, 2023 5:58 PM  
**To:** MARTIN Duff A \* WRD <[Duff.A.MARTIN@water.oregon.gov](mailto:Duff.A.MARTIN@water.oregon.gov)>; BUCHHOLZ Sheila L \* WRD <[Sheila.L.BUCHHOLZ@water.oregon.gov](mailto:Sheila.L.BUCHHOLZ@water.oregon.gov)>  
**Cc:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Subject:** RE: PD review for RA Transfer T-13950

I forgot to attach.

Thank you!  
Scott

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

---

**From:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Sent:** Tuesday, March 28, 2023 5:55 PM  
**To:** MARTIN Duff A \* WRD <[Duff.A.MARTIN@water.oregon.gov](mailto:Duff.A.MARTIN@water.oregon.gov)>; BUCHHOLZ Sheila L \* WRD <[Sheila.L.BUCHHOLZ@water.oregon.gov](mailto:Sheila.L.BUCHHOLZ@water.oregon.gov)>  
**Cc:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Subject:** PD review for RA Transfer T-13950

Dear Data,

Please review this PD for Reimbursement Authority Transfer T-13950. There is no Remaining Right.

Thank you!

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

**GREW Scott A \* WRD**

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Friday, March 10, 2023 2:29 PM  
**To:** STARNES Patrick K \* WRD  
**Cc:** GREW Scott A \* WRD  
**Subject:** RE: Newspaper Estimate for Transfer Application T-13950

Hi Scott,

The quote came in for this notice. Total cost is \$880.20.

Thanks,

*Stacy H. Phillips*

Natural Resource Specialist 2, Permit Amendment Caseworker  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 503-979-9948



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

---

**From:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Sent:** Thursday, March 09, 2023 10:13 AM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** Newspaper Estimate for Transfer Application T-13950

Hi Stacy –

Scott will need a quote for the attached **TRANSFER** Application notice to run in the Bend Bulletin. Run time is two weeks.

Thanks!

Kelly

\*\*\*\*\*

Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cell phone: 503-979-3511 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

## GREW Scott A \* WRD

---

**From:** Niall Boggs <NBoggs@parametrix.com>  
**Sent:** Monday, March 6, 2023 8:03 AM  
**To:** GREW Scott A \* WRD; Jorge Lopez  
**Cc:** GIFFIN Jeremy T \* WRD  
**Subject:** RE: T-13950 - Issuance of Draft Preliminary Determination - Action Required!

Scott

Yes, we agree with the language of the preliminary determination.

Thank you,

## Parametrix

ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

*Named a Best Large Company to Work for in Oregon in 2023!*

### 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, March 3, 2023 5:42 PM  
**To:** Jorge Lopez <jlopez@swwc.com>; Niall Boggs <NBoggs@parametrix.com>  
**Cc:** GIFFIN Jeremy T \* WRD <Jeremy.T.GIFFIN@water.oregon.gov>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** RE: T-13950 - Issuance of Draft Preliminary Determination - Action Required!

Hello Niall,

I am still waiting for the **response in writing** with acknowledgement that you agree to the proposed action and conditions.

The deadline date was February 4, 2023. Please get that to me soon so we can move forward with the Preliminary Determination.

I will be getting the cost for the newspaper notice to you soon.

Thank you,

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



**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Thursday, January 5, 2023 12:08 PM  
**To:** jlopez@swwc.com; Niall Boggs <NBoggs@parametrix.com>  
**Cc:** GIFFIN Jeremy T \* WRD <Jeremy.T.GIFFIN@water.oregon.gov>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** T-13950 - Issuance of Draft Preliminary Determination - Action Required!

January 5, 2023

VIA E-MAIL

### **Applicant**

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-13950

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-13950. 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 February 4, 2023.

### ***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 February 4, 2023 with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

### **Conditions to your water right...**

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

**Please note the proposed date by which all conditions must be met: October 1, 2028.** 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. Because there is more than ¼ mile between the additional and the authorized point of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 5, 2023

VIA E-MAIL

### Applicant

OREGON WATER UTILITIES - CLINE BUTTE INC.

JORGE LOPEZ, PE

1325 N GRAND AVE SUITE 100

COVINA, CA 91724-4044

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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).

**If we do not receive the items listed above by February 4, 2023, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: T-13950  
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-13950, 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.

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JORGE LOPEZ, PE  
1325 N GRAND AVE, SUITE 100  
COVINA, CA 91724-4044

**Findings of Fact**

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3. The right to be transferred is as follows:

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(perfected under Permit G-11762)

**Use:** QUASI-MUNICIPAL USE

**Priority Date:** MAY 4, 1992

**Rate:** 3.0 CUBIC FEET PER SECOND

**Source:** FOUR WELLS (WELLS 6, 7, 8 AND 9) in the DESCHUTES BASIN

**Authorized Points of Appropriation:**

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

**Authorized Place of Use:**

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	13	SW SW
15 S	12 E	WM	14	NE NW
15 S	12 E	WM	14	NW NW
15 S	12 E	WM	14	SW NW
15 S	12 E	WM	14	SE NW
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15 S	12 E	WM	14	NW SW
15 S	12 E	WM	14	SW SW
15 S	12 E	WM	14	SE SW
15 S	12 E	WM	14	NE SE
15 S	12 E	WM	14	NW SE
15 S	12 E	WM	14	SW SE
15 S	12 E	WM	14	SE SE
15 S	12 E	WM	15	SW NE
15 S	12 E	WM	15	SE NE
15 S	12 E	WM	15	NE SE
15 S	12 E	WM	15	NW SE
15 S	12 E	WM	15	SW SE
15 S	12 E	WM	15	SE SE
15 S	12 E	WM	22	NE NE
15 S	12 E	WM	22	NW NE
15 S	12 E	WM	22	SE NE
15 S	12 E	WM	23	NE NE
15 S	12 E	WM	23	NW NE
15 S	12 E	WM	23	SW NE
15 S	12 E	WM	23	SE NE
15 S	12 E	WM	23	NE NW
15 S	12 E	WM	23	NW NW
15 S	12 E	WM	23	SW NW
15 S	12 E	WM	23	SE NW
15 S	12 E	WM	23	NE SE
15 S	12 E	WM	23	NW SE
15 S	12 E	WM	24	NW NW
15 S	12 E	WM	24	SW NW
15 S	12 E	WM	24	NW SW

QUASI-MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	24	SW SW

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

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

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

- 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 pump and pipeline sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13950.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13950 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-13950 is approved, the final order will include the following:*

- The additional point of appropriation proposed in Transfer Application T-13950 is approved.*
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96053 and any related decree.*
- Water right Certificate 96053 is cancelled.*
- The quantity of water diverted at the additional point of appropriation (Well 10), together with that diverted at the original points of appropriation (Wells 6, 7, 8, and 9), shall not*

*exceed the quantity of water lawfully available at the original points of appropriation (Wells 6, 7, 8, and 9).*

5. *Water use measurement conditions:*

  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING 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](mailto: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- 13950

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 Scalehouse Lp

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



# 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-13950

Review Due Date: 05/04/2022

Applicant Name: Jorge lopez

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Giffin

Date of Review: 04/05/2022

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- 13950

- 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 Scalehouse Lp

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

## Groundwater Transfer Review Summary Form

Transfer/PA # T- 13950

GW Reviewer Joe Kemper Date Review Completed: 5/23/2022

### 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-13950

Applicant Name: Oregon Water Utilities – Cline Butte Inc.

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

Reviewer(s): Joe Kemper

Date of Review: 5/23/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 11/7/22

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 wishes to add an APOA (not yet drilled) to the four current POAs under certificate 96053. The APOA will be located approximately 50 feet south from Well 9 (DESC 54485).

Owners Well Number	OWRD LOGID	Total Depth (ft)
Well 6	DESC 1198	800
Well 7	DESC 1083	800
Well 8	DESC 51680	600
Well 9	DESC 54485	736
Well 10 (APOA)	Proposed	740 (est.)

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments: The existing authorized POAs access the regional aquifer hosted in mixed volcanics of the Deschutes Formation on the north and east flanks of Cline Buttes. Considering the proposed construction, the APOA would also access this same aquifer in close proximity to the current POAs.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
 Yes     No NA

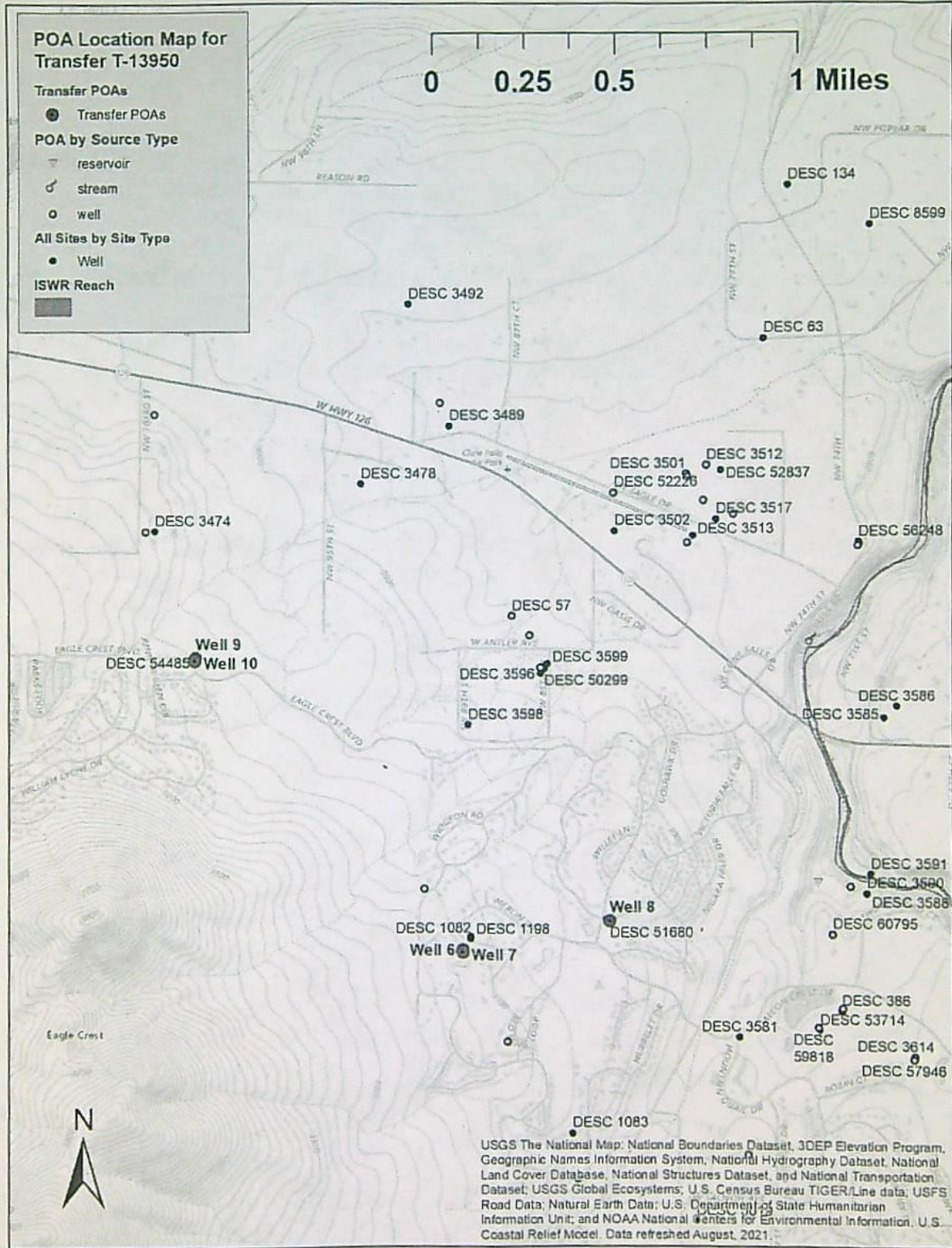
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?  
 Yes  No Comments: The APOA's proposed location is 50 feet from DESC 54485. While the additional well may allow for a higher overall pumping rate in the short term (creating a larger cone of depression), the change in location of groundwater production is negligible. The nearest senior groundwater producer appears to be approximately 2000 feet away. Considering typical aquifer response to pumping in this area and distance to other wells, the resulting well-to-well interference from the proposed change is expected to be negligible.
- 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: There is well documented connection between groundwater and surface water in this area (Gannett et al., 2001). However, the change in location of groundwater production is minimal so there is no expected increase in interference with surface water from the proposed changes.
- 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: NA  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: NA
8. Any additional comments: Initial transfer documents indicated that POA Well 7 correlates to well log ID DESC 1082. Previous water rights had correlated Well 7 with DESC 1083. Communication with the applicant's agent confirmed that Well 7 should correlate to DESC 1083. The agent is resubmitting several pages of the transfer document to correct this discrepancy.

### References

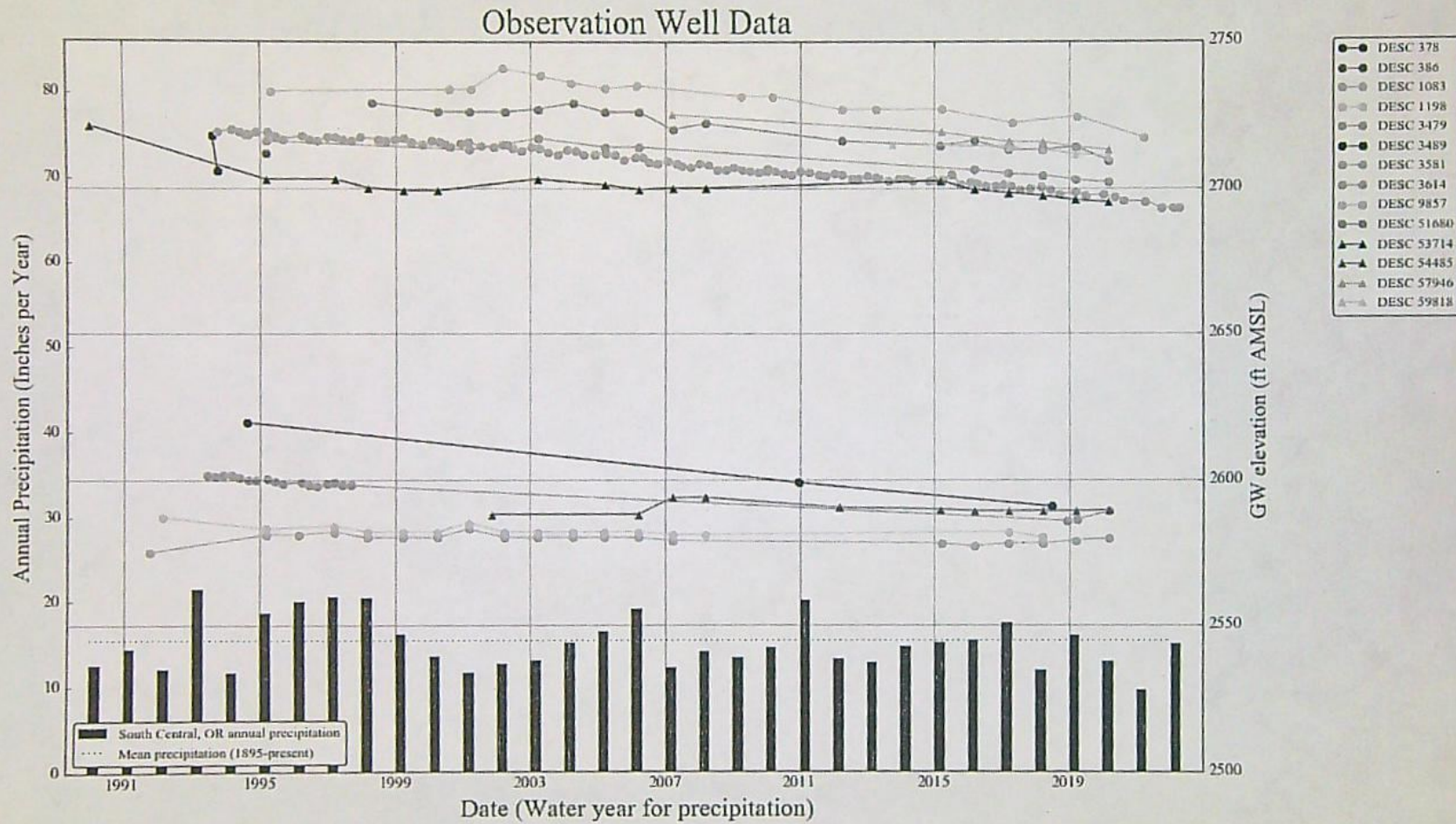
Gannett, M.W., Lite, Jr., K.E., Morgan, D.S., and Collins, C.A., 2001, Ground-water hydrology of the upper Deschutes Basin, Oregon: U.S. Geological Survey Water-Resources Investigations Report 00-4162, 74 p.



# Transfer Map



# Water Levels in Nearby Wells



Well 7	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 1083	15	S	12	E	15	SW	SE		930 feet north & 1,819 feet west from SE corner, Section 15
Well 8	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 51680	15	S	12	E	14	SW	SE		1,404 feet north & 281 feet east from SW corner, Section 14
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

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 checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input 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.

T-13950

Received by OWRD

MAY 27 2022

Salem, OR

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

*Dose 1083*

RECEIVED

OCT 28 1991

(START CARD) # 34267

*15S/12E-22a*

(1) OWNER:

Name Eagle Ridge Development  
Address P.O. Box 1215  
City Redmond State OR Zip 97756

(2) TYPE OF WORK:

New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD

Rotary Air  Rotary Mud  Cable  
 Other

(4) PROPOSED USE:

Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes  No  Depth of Completed Well 800 ft.  
Explosives used Yes  No  Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
13	0	50	cement	18	50	60
10	50	100	cement- <del>set</del>	0	18	15
8	100	800	bentonite	90	100	

How was seal placed: Method  A  B  C  D  E

Other bentonite dry in top 18'

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_

Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel				Welded	
				Plastic	Welded	Threaded	Threaded		
Casing: 8"	+2	98'	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Liner: 6"	0	800		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Final location of shoe(s) 800

(7) PERFORATIONS/SCREENS:

Perforations Method air perf  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
600	620	1x1/8	400	6"		<input type="checkbox"/>	<input checked="" type="checkbox"/>
700	800	1x1/8	2000	6"		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Pump  Bailor  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
30		800	1 hr.

Temperature of water 54 Depth Artesian Flow Found \_\_\_\_\_

Was a water analysis done?  Yes By whom \_\_\_\_\_

Did any strata contain water not suitable for intended use?  Too little

Salty  Muddy  Odor  Colored  Other \_\_\_\_\_

Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:

County DRSC Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 15S N or S, Range 12E E or W, WM.  
Section 22 SE 14 NE 14  
Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) Chase Falls Hwy

(10) STATIC WATER LEVEL:

528 ft. below land surface. Date 10/11/91  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 608 Received by OWRD

From	To	Estimated Flow Rate	SWI
608	615		
720	735		

Salem, OR

(12) WELL LOG:

Material	From	To	SWI
dirt	0	2	
broken rock	2	12	
sand black coarse dry	12	25	
broken rock red & grey	25	36	
Rock harder	36	42	
sandstone soft brown	42	48	
lava porous grey & brown	48	55	
broken lava red & grey	55	83	
lava harder red & grey	83	132	
basalt grey hard	132	160	
lava red med	160	185	
lava red w/white pumice	185	203	
multi colored lava brn/red/gr	203	310	
broken lava red/brown	310	375	
rock brn med	375	392	
rock grey w/some pumice	392	400	
rock grey and white	400	435	
rock brn/grey/white	435	442	
basalt grey hard	442	461	
andacite grey/brn hard	461	608	
cinders or pumice	608	615	
quartzite/andacite wthered	615	720	
brown andacite weathered	720	735	H <sub>2</sub> O

Date started 9/18/91 Completed 10/11/91

(unbonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number 1358  
Date 10/24/91

(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. Work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 723  
Date 10/24/91

RECEIVED

155/12E-222d

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

OCT 28 1991

(START CARD) # 34267

Disc 1083

(1) OWNER:

Name Eagle Ridge Development PAGE 2 SALEM, OREGON
Address
City State Zip

Well Number WATER RESOURCES DEPT.

(9) LOCATION OF WELL by legal description:

Township N or S. Range E or W. WM.
Section W W
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address)

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD

Rotary Air Rotary Mud Cable
Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well ft.
Explosives used Type Amount

Table with columns: HOLE Diameter, SEAL Material, Amount sacks or pounds

How was seal placed: Method A B C D E
Other

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner

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

Table with columns: Pump, Bailer, Air, Artesian, Yield gal/min, Drawdown, Drill stem at, Time

Temperature of water Depth Artesian Flow Found
Was a water analysis done? Yes By whom
Did any strata contain water not suitable for intended use? Too little
Salty Muddy Odor Colored Other
Depth of strata:

(10) STATIC WATER LEVEL:

ft. below land surface Date
Artesian pressure lb. per square inch Date

(11) WATER BEARING ZONES:

Table with columns: From, To, Estimated Flow Rate, SWL

(12) WELL LOG:

Table with columns: Material, From, To, SWL

Received by OWRD

MAY 27 2022

Salem, OR

Date started 9/18/91 Completed 10/11/91

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Date WWC Number 1358

(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 well construction standards. This report is true to the best of my knowledge and belief.

Signed Date WWC Number 723

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

Desc  
 1083

**RECEIVED** RECEIVED s/12e/22a  
 MAR - 9 1993 MAR 24 1993 34267  
 (START CARD) #

Page 1 of 2

(1) OWNER: Well Number \_\_\_\_\_  
 Name Eagle Ridge Development  
 Address P.O. Box 1215  
 City Redmond State OR Zip 97756

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 300 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
13	0	50	Bentonite	0	18	15
10	50	100	Cement	18	100	60
8	100	800				

How was seal placed: Method  A  B  C  D  E  
 Other Bentonite dry in top 18'

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Material			
				Steel	Plastic	Welded	Threaded
Casing: 8	+2	98	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 6	0	800		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 800

(7) PERFORATIONS/SCREENS:  
 Perforations Method Air  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
600	620	1x1/8	400	6		<input type="checkbox"/>	<input checked="" type="checkbox"/>
700	800	1x1/8	2000	6		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
30		800	1 hr.

Temperature of Water 54 Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

WATER RESOURCES DEPT  
 (9) LOCATION OF WELL by legal description:  
 County OREGON Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 15 S N or S. Range 12 E E or W. WM. \_\_\_\_\_  
 Section 22 SE 4 NE 4  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Cline Falls Hwy

(10) STATIC WATER LEVEL:  
528 ft. below land surface. Date 10-11-91  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 608

From	To	Estimated Flow Rate	SWL
608	615		
720	735		

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 MAY 27 2022

(12) WELL LOG: Salem, OR  
 Ground elevation \_\_\_\_\_

Material	From	To	SWL
Dirt	0	2	
Broken rock	2	12	
Sand black coarse dry	12	25	
Broken rock red & gray	25	36	
Rock harder	36	42	
Sandstone soft brown	42	48	
Lava porous gray & brown	48	55	
Broken lava red & gray	55	83	
Lava harder red & gray	83	132	
Basalt gray hard	132	160	
Lava red medium	160	185	
Lava red with white pumice	185	203	
Multi-colored lava brown red gray	203	310	
Broken lava red brown	310	375	
Rock medium brown	375	392	
Rock gray with some pumice	392	400	
Rock gray and white	400	435	
Rock brown gray white	435	442	
Basalt gray hard	442	461	

AMENDED LOG  
 CONTINUED

Date started 9-18-91 Completed 10-11-91

(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 well construction standards. Material used and information reported above are true to my best knowledge and belief.

Signed [Signature] WWC Number 135  
 Date 3-8-93

(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 well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 72  
 Date 3-8-93

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

Desc  
 1083

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55/12E/220d

Page 2 of 2

(START CARD) 34267

WATER RESOURCES DEPARTMENT

(1) OWNER: Well Number \_\_\_\_\_  
 Name Eagle Ridge Development  
 Address P.O. Box 1215  
 City Redmond State OR Zip 97756

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well \_\_\_\_\_ ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Material			
				Steel	Plastic	Welded	Threaded
Casing:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:  
 Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tube/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

Pump  Bailer  Air  Flowing Artesian  
 Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem at \_\_\_\_\_ Time \_\_\_\_\_

Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.

Temperature of Water \_\_\_\_\_ Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

LOCATION OF WELL by legal description:  
 County \_\_\_\_\_ Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township \_\_\_\_\_ N or S. Range \_\_\_\_\_ E or W. WM. \_\_\_\_\_  
 Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) \_\_\_\_\_

(10) STATIC WATER LEVEL:  
 \_\_\_\_\_ ft. below land surface. \_\_\_\_\_ Date \_\_\_\_\_  
 Artesian pressure \_\_\_\_\_ lb. per square inch. \_\_\_\_\_ Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found \_\_\_\_\_

From	To	Estimated Flow Rate	SWL

(12) WELL LOG:  
 \_\_\_\_\_ Ground elevation \_\_\_\_\_

Material	From	To	SWL
Andacite gray brown hard	461	608	
Cinders or pumice	608	615	
quartzite andacite weathered	615	720	
Brown andacite weathered	720	735	
Brown andacite hard	735	765	
Andacite red gray with pumice	765		
softer		787	
Andacite hard	787	790	
Andacite softer	790	800	

Received by OWRD  
 MAY 27 2022  
 Salem, OR

Date started 9-18-91 Completed 10-11-91

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Byron B. Stiles WWC Number 1358  
 Date 3-8-93

(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 well construction standards. This report is true to the best of my knowledge and belief.

Signed \_\_\_\_\_ WWC Number 723  
 Date 3-8-93

# 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

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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>



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

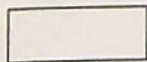
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15S	12E	22	SE NE	Multiple	EFUSC with DR Overlay	<input type="checkbox"/> Divert	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Quasi-Municipal
15S	12E	23	NW NW	Multiple	EFUSC with DR Overlay	<input type="checkbox"/>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

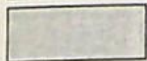
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Well site



Areas of Use Associated with Water Right C-85472



Areas of Use Associated with Water Right T-10929

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) \_\_\_\_\_

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. →

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OWRD

MAR 23 2022

### 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:  Phone: (541) 388-6504 Date: 3/1/2022

Government Entity: DESCHUTES COUNTY

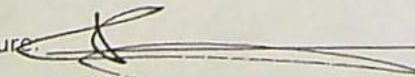
**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land 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:  Phone: 541 388-6504 Date: 3/1/2022

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## 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

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 2<sup>nd</sup> or 3<sup>rd</sup> 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.

**E. Watermaster's Office:**

In the Eagle Crest III burden of proof statement, Title 17, A. III b., page 10, 5<sup>th</sup> 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 150<sup>th</sup> 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.

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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...

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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.**

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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 1<sup>st</sup> and July 1<sup>st</sup> 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;*

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**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.

**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**

Written by: Paul Blikstad, Associate Planner

Reviewed by: Kevin M. Harrison, Principal Planner

PEB

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## PHILLIPS Stacy H \* WRD

---

**From:** SMITH Tamera L \* WRD  
**Sent:** Friday, April 08, 2022 11:39 AM  
**To:** PHILLIPS Stacy H \* WRD  
**Subject:** FW: T-13950 intent of transfer is that APOD applies to entire Certificate 96053?

Hi Stace,

Please print and add to the file.

Thanks, T

---

**From:** Niall Boggs <NBoggs@parametrix.com>  
**Sent:** Friday, April 8, 2022 11:32 AM  
**To:** SMITH Tamera L \* WRD <Tamera.L.SMITH@water.oregon.gov>  
**Subject:** RE: T-13950 intent of transfer is that APOD applies to entire Certificate 96053?

Yes, same as the other...new POA to be used on approved place of use.

## 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 10:36 AM  
**To:** Niall Boggs <NBoggs@parametrix.com>  
**Subject:** T-13950 intent of transfer is that APOD applies to entire Certificate 96053?

Hi Niall,

Is the intent of transfer T-13950 Cline Butte APOD for Certificate 96053 that it will be applied to the Certificate in it's entirety?

Thank you,

TAMERA SMITH PLEASE NOTE NEW EMAIL: [tamera.l.smith@water.oregon.gov](mailto: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 # 137737

INVOICE #

RECEIVED FROM: Parametrix, Inc.

BY: \_\_\_\_\_

CASH:  CHECK: # 260991 OTHER: (IDENTIFY)

APPLICATION	
PERMIT	
TRANSFER	<u>T-13950</u>
TOTAL REC'D	<u>\$1,840.00</u>

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	
0407 COPY & TAPE FEES	\$ <u>46110</u>
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	\$
0205 TRANSFER	\$ <u>1840.00</u>
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	\$
OTHER (IDENTIFY)	\$

0536 TREASURY 0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
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: 137737

DATED: 3-23-2022 BY: Mindy Cook

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

Account Number: 260991  
PARAMETRIX, INC.  
INVOICE NUMBER  
DATE: 2/23/2022  
VOUCHER NO. 0210549  
AMOUNT: 1,840.00  
PLEASE DETACH AND RETAIN FOR YOUR RECORDS

TOTAL: 1,840.00

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260991

# Application for Permanent Water Right Transfer



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

## 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.

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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](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-96053**  
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.**

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### 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: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Transfer Application Map

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

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/](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°).



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Jorge Lopez, PE / Oregon Water Utilities – Cline Butte Inc.</b>		PHONE NO. <b>(626) 543-2518</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1325 N Grand Covina Suite 100</b>			FAX NO.
CITY <b>Covina</b>	STATE <b>CA</b>	ZIP <b>91724</b>	E-MAIL <b>jlopez@swwc.com</b>
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 <b>Niall Boggs, PE, CWRE / Parametrix</b>		PHONE NO. <b>(541) 550-7694</b>	ADDITIONAL CONTACT NO. <b>(541) 508-7710</b>
ADDRESS <b>150 NW Pacific Park Lane</b>			FAX NO.
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97701</b>	E-MAIL <b>nboggs@parametrix.com</b>
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.

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**By my signature below, I confirm that I understand:**

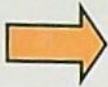
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper 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.

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<i>Jorge Lopez</i>	Jorge Lopez, Vice President, Engineering	2/25/2022
Applicant signature	Print Name (and Title if applicable)	Date
Applicant signature	Print Name (and Title if applicable)	Date

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](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 <b>Swalley Irrigation District</b>	ADDRESS <b>64672 Cook Avenue, Suite #1</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>

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 <b>Deschutes County</b>	ADDRESS <b>117 NW Lafayette Ave</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## INSTRUCTIONS for editing the Application Form

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To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing in the document: Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

## 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 # 96053

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### Description of Water Delivery System

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System capacity: 3.0 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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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 6	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 1198	15	S	12	E	15	NW	SW		966 feet north & 1,817 feet west from SE corner, Section 15

Well 7	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 1082	15	S	12	E	15	SW	SE		930 feet north & 1,819 feet west from SE corner, Section 15
Well 8	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 51680	15	S	12	E	14	SW	SE		1,404 feet north & 281 feet east from SW corner, Section 14
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

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 checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input 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.

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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 # 96053**

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				
<b>EXAMPLE</b>																										
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	1992	APOA	15	S	12	E	16	NE	NE	15 12 16 AA 00300			Quasi- Municipal	Well 9 Well 10	1992
TOTAL ACRES:														TOTAL ACRES:												

Additional remarks: \_\_\_\_\_.

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No  N/A

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well 10	No	N/A	740' (est)	14"	0-610'	610' (est)	630'-730'	508' (est)	Basalt & Cinders	1,500 gpm

## STATE OF OREGON

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## COUNTY OF DESCHUTES

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## CERTIFICATE OF WATER RIGHT

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## THIS CERTIFICATE ISSUED TO

OREGON WATER UTILITIES CLINE BUTTE, INC  
1230 GOLDEN PHEASANT  
REDMOND, OR 97756

confirms the right to use the waters of FOUR WELLS (WELLS 6, 7, 8, AND 9) in the Deschutes Basin for QUASI-MUNICIPAL USE.

This right was perfected under Permit G-11762. The date of priority is MAY 4, 1992. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

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

A description of the place of use to which this right is appurtenant is as follows:

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

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

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

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the wells at all times.

Measurement, recording and reporting conditions (Wells 6, 7 and 8):

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Water use measurement conditions (Well 9):

- A. The water user shall maintain the totalizing meter or other approved measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

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Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

The Department requires the water user to measure and report annual static water levels for each well on the right. Or the water user can measure other wells in close proximity to the wells, if the Department's Groundwater Staff determines that the substitute observation wells will provide adequate data to assess the impacts from the wells. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The water user shall submit annual measurements. Annual measurements are required whether or not the well is used. Reference water-level measurements for determining water level declines on this right are as follows: Well #6: 518 feet; Well #7: 518 feet; and Well #8: 312 feet. Or, the first annual measurement at the substitute observation wells will establish the reference levels against which future measurements will be compared. The Director may require the user to measure and report additional water levels each year if more data is needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall only be made using an electric tape or steel tape that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log: and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface: and
- C. Specify the method of measurement: and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate of volume of withdrawal from the wells if annual water-level measurements decline of 10 or more feet.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alternation of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The Director may require water level or pump tests every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

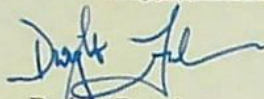
Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

The use of water shall be limited when it interferes with any prior surface or ground water rights.



This certificate is issued to confirm a change in ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered April 21, 2010, at Special Order Volume 80, Page 702, approving Transfer Application T-10929, and supersedes Certificate 85471, State record of Water Right Certificates.

Issued JAN 28 2022



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

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# 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)

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I, NIAL 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:

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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 # 96053; 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 # 96053 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)

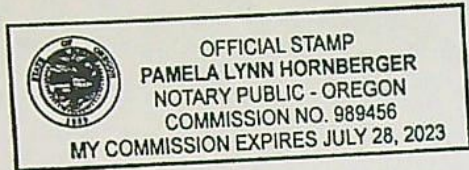
3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USE

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: 7/28/23

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> 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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<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"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input 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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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# Supplemental Form D

## Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

### 1. APPLICANT INFORMATION

NAME JORGE LOPEZ, PE / OREGON WATER UTILITIES – CLINE BUTTE INC.			PHONE (HM)	RECEIVED
PHONE (WK) (626) 543-2518	CELL	FAX MAR 23 2022		
ADDRESS 1325 N GRAND COVINA, SUITE 100				OWRD
CITY COVINA	STATE CA	ZIP 91724	E-MAIL** JLOPEZ@SWWC.COM	

### 2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME SWALLEY IRRIGATION DISTRICT			PHONE (HM)
PHONE (WK) (541) 388-0658	CELL	FAX	
ADDRESS 64672 COOK AVENUE, SUITE #1			
CITY BEND	STATE OR	ZIP 97703	E-MAIL**

\*\* By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

### 3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	C-96053	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

\*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

**CURRENT ASSOCIATIONS** Please answer the following "yes" or "no" questions:

- YES  NO  One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES  NO  All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

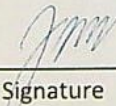
**PROPOSED ASSOCIATIONS** Please answer the following "yes" or "no" questions:

- YES  NO  One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES  NO  All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION SWALLEY IRRIGATION DISTRICT SUPPLIES WATER FOR IRRIGATION OF THE EAGLE CREST I GOLF COURSE

**4. APPLICANT'S SIGNATURE**

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:  
 email,  phone,  postal mail,  in person, or  other (please specify) \_\_\_\_\_
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

 \_\_\_\_\_  
Applicant Signature

Jorge Lopez \_\_\_\_\_  
Name (print)

3/14/2022 \_\_\_\_\_  
Date

**5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER**

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.

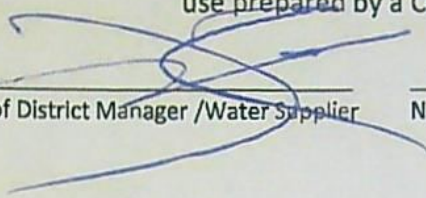
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YES  NO  After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES  NO  The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

  
Signature of District Manager /Water Supplier

JEROMATA, GM  
Name (print), Title

3/9/22  
Date

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MAR 23 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

# 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

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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.



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

**DOESC**  
**1082**

OCT 28 1991

155/12E-15d

(START CARD) # 34257

(1) OWNER: Well Number: \_\_\_\_\_  
 Name Eagle Ridge Development  
 Address P.O. Box 1215  
 City Redmond, OR State \_\_\_\_\_ Zip 97756

(9) LOCATION OF WELL by legal description:  
 County DOESC Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 15S N or S, Range 12E E or W, WM. \_\_\_\_\_  
 Section 15 SW 1/4 SE 1/4  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) \_\_\_\_\_  
Cline Falls Hwy

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other test hole

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval Yes No Depth of Completed Well 500 ft.  
 Yes No    
 Explosives used   Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
13	0 25	bentonite	0 25	59
8	25 500			

How was seal placed: Method  A  B  C  D  E  
 Other poured in dry anulus  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel		Plastic		Welded		Threaded	
				Yes	No	Yes	No	Yes	No	Yes	No
Casing: 8	+1	39	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
		N/A				<input type="checkbox"/>	<input type="checkbox"/>

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

Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
25			1 hr.

Temperature of water \_\_\_\_\_ Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(10) STATIC WATER LEVEL:  
N/A ft. below land surface. hole caved in  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date MAR 28 2022

(11) WATER BEARING ZONES: **OWRD**

Depth at which water was first found 380'

From	To	Estimated Flow Rate	SWL
380	390	25 gpm	?

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To	SWL
dirt/rock	0	5	
broken basalt brown	5	16	
basalt weathered and porous	16	42	
basalt grey hard	42	58	
basalt weathered brown & porous	58	102	
pumice	102	106	
basalt grey weathered	106	110	
basalt grey brown wthred med	110	124	
basalt weathered fractured very	124	150	
basalt less fractured	150	160	
weathered basalt very soft	160	164	
basalt brown hard	164	175	
basalt fractured w/lavander stks	175	190	
" harder	190	214	
" soft weathered	214	217	
" hard conglomerant small	217	312	
conglomerant large	312	340	
conglomerate sandstone & pumice	340	390	
tuff stone brn	390	400	
broken basalt	400	407	
tuff brown hard	407	412	
tuff brown fractured	412	420	
tuff auger brown	420	444	
tuff w/ some pumice	444	500	

(unbonded) Water Well Constructor Certification: 9/27/91 - 10/1/91  
 I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.  
 Signed [Signature] WWC Number B58  
 Date 10/24/91

(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. work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge a belief.  
 Signed [Signature] WWC Number 723  
 Date 10/24/91

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

DESC  
 1198

MAR 10 1992

(START CARD) # 36697

155/12E/15d

(1) OWNER: Well Number: PW #1  
 Name Eagle Ridge Development Corporation  
 Address P.O. Box 1215  
 City Redmond State OR Zip 97756

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  Other  
 RECEIVED

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other  
 MAR 23 2022

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval Yes  No  Depth of Completed Well 800 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
24	0	47	cement	0	47	80 sacks
17	47	800				

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 18"	+1	47	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 14"	+2	800	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shaft 800'

(7) PERFORATIONS/SCREENS:  
 Perforations Method Factory perforated  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
510	790	1/2 X 3	7000	14"		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
800 (est.)		750	1 hr.

Temperature of water 52° Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Deschutes Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 15 S Nor. S. Range: 12 E E. or W. WM. \_\_\_\_\_  
 Section 15 SW 1/4 SE 1/4  
 Tax Lot 1500 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) N/A

(10) STATIC WATER LEVEL:  
518 ft. below land surface. Date 2/20/92  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found 540

From	To	Estimated Flow Rate	SWL
540	800	800	518

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To	SWL
Sand & cobbles	1	4	
Broken lava red and brown	4	40	
Basalt gray hard	40	55	
Lava cinders red	55	68	
Lava brown	68	80	
Basalt gray and brown hard	80	85	
Basalt softer	85	93	
Lava red & brown broken soft	93	111	
Basalt gray hard	111	157	
Basalt gray softer w/ red cinder	157	162	
Lava red	162	185	
Lava brown w/sandstone	185	299	
Lava dark brown w/pumice	299	330	
Andacite brown hard	330	375	
Andacite gray	375	400	
Andacite Gray & brown hard	400	469	
Andacite gray softer	469	502	
Andacite hard brown	502	524	
Andacite light brown softer	524	568	
Rock black and red	568	600	
Andacite brown hard	600	608	
Red cinder	608	612	
Andacite brown hard	612	620	

Date started 1/30/92 Completed 2/20/92

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construct standards. Materials used and information reported above are true to my knowledge and belief.  
 Signed [Signature] WWC Number 1358  
 Date 2/4/92

(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. work performed during the time is in compliance with Oregon well construct standards. This report is true to the best of my knowledge and belief.  
 Signed [Signature] WWC Number 723  
 Date 2/4/92

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

**DESC**  
**11/98**

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MAR - 11 1992

155/12E/15dc  
 36697 Cont.

WATER RESOURCES DEPARTMENT (START CARD) #

(1) OWNER: Well Number: PW #1  
 Name Eagle Ridge Development Corporation  
 Address Page 2  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval Yes  No  Depth of Completed Well \_\_\_\_\_ ft.  
 Explosives used Yes  No  Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: \_\_\_\_\_

(7) PERFORATIONS/SCREENS:  
 Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.

Temperature of water \_\_\_\_\_ Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Deschutes Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 15 S N or S. Range 12 E E or W. WM.  
 Section 15 SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
 Tax Lot 1500 Lot \_\_\_\_\_ Black \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) N/A

(10) STATIC WATER LEVEL:  
 \_\_\_\_\_ ft. below land surface. Date \_\_\_\_\_  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found \_\_\_\_\_

From	To	Estimated Flow Rate	SWL

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To	SWL
Andacite light gray w/pumice	620	645	
Andacite brown fractured	645	655	
Andacite brown hard	655	670	
Andacite gray w/brown med.	670	691	
Andacite gray hard	691	710	
Andacite brown w/pumice interbed	710	733	
Andacite brown & red fractured	733	740	
Andacite brown very hard	740	761	
Pumice white	761	776	
Andacite gray and brown	776	800	

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MAR 28 2022

OWRD

Date started 1/30/92 Completed 2/20/92

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.  
 Signed Byron B. State WWC Number 1358  
 Date 3/4/92

(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 well construction standards. This report is true to the best of my knowledge and belief.  
 Signed [Signature] WWC Number 723  
 Date 3/4/92

STATE OF OREGON WATER RESOURCES DEPT.  
 WATER WELL REPORT SALEM, OREGON  
 (as required by ORS 537.785)

JUL - 7 1998

(START CARD) # 89252

1.D.# L22893

(1) OWNER:  
 Name Eagle Crest  
 Address po box 1215  
 City Redmond State OR Zip 97756

Well Number: 8 WATER RESOURCES DEPT. LOCATION OF WELL by legal description:  
 SALEM, OREGON

County Deschutes Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 15S Nor S. Range 12E E or W. WM. \_\_\_\_\_  
 Section 14 NW ¼ SW ¼  
 Tax Lot 1512-1516 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) \_\_\_\_\_  
cline falls hwy

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval Yes  No  Depth of Completed Well 600 ft.  
 Explosives used   Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
23"	0	60	cement	0	24	44
19"	60	65	bent	24	40	48
17"	65	600	cement	40	60	282

How was seal placed: Method  A  B  C  D  E  
 Other chips poured  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	18	+15	60	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	14	-5	600	.375	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of sheets) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:  
 Perforations Method factory -swift  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
390	600	1/8x3	8000	14"		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
 Yield gal/min 1000 Drawdown N/A Drill stem at 600 Time 1 hr.

Temperature of water 52degrees Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(10) STATIC WATER LEVEL:  
312 ft. below land surface. Date 4-22-98  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 350'

From	To	Estimated Flow Rate	SWI
350	600	<b>RECEIVED</b>	312

**MAP 23 2022**

(12) WELL LOG: Ground elevation OWRD

Material	From	To	SWI
soil	0	.5	
basalt grey fractured	.5	8	
wthrd rock soft grey	8	13	
grey harder	13	32	
<del>lava red hard</del>	32	38	
lava red hard	38	40	
basalt grey very hard	40	100	
basalt grey & brown hard	127	141	
lava grey & red med	127	141	
lava brn hard	141	155	
basalt fractures bent red	155	174	
andacite basalt grey hard	174	177	
cinders red tan grey	177		
with pumice		210	
red cinder with grey liner	210		
& white pumice		220	
brown sandstone	220	260	
brown sandstone	260	280	
conglomerate brown & black	280	290	
conglomerate brown bounded	280	290	
conglomerate moneangular	480	551	
ansacite white hard	551	560	
plumice white	560	567	

Date started 3-19-98 Completed 4-22-98

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.  
 Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
 Date \_\_\_\_\_

(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. Work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.  
 Signed [Signature] WWC Number 1358  
 Date 5/4/98

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

*desc 57680 pg 2012*

MAY 27 1998

*407 L22893*

WATER RESOURCES DEPT (START CARD) # 89252

(1) OWNER:

Name Eagle Crest  
 Address PO Box 1215  
 City Redmond State OR Zip 97756

Well Number: 8

SALES, OREGON DIVISION OF WELL by legal description:

County Duchesne Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 15S N or S. Range 12E E or W, WM.  
 Section 14 NW 1/4 SW 1/4  
 Tax Lot 15-12-150 Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) \_\_\_\_\_  
Cline Falls hwy

(2) TYPE OF WORK:

New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD

Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:

Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well \_\_\_\_\_ ft.  
 Yes No    
 Explosives used   Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE Diameter	From	To	Material	SEAL		Amount sacks or pounds
				From	To	

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

Pump  Bailer  Air  Flowing  Artesian  
 Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem at \_\_\_\_\_ Time \_\_\_\_\_  
 \_\_\_\_\_ 1 hr.

Temperature of water \_\_\_\_\_ Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_

Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_

Depth of strata: \_\_\_\_\_

(10) STATIC WATER LEVEL:

\_\_\_\_\_ ft. below land surface. Date \_\_\_\_\_  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found \_\_\_\_\_

From	To	Estimated Flow Rate	SWI

(12) WELL LOG:

Material	Ground elevation		SWI
	From	To	
basalt grey and brown hard	567	580	
basalt soft	580	590	
basalt <del>hard</del> hard	590	600	

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Date started \_\_\_\_\_ Completed \_\_\_\_\_

(unbonded) Water Well Constructor Certification:

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

Signed \_\_\_\_\_ Date \_\_\_\_\_ WWC Number \_\_\_\_\_

(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. work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] Date 5/4/98 WWC Number 1255

STATE OF OREGON WATER SUPPLY WELL REPORT (as required by ORS 537.765) (1) OWNER:

Name: Eagle Crest Resort Well Number: #9 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 ---

Table with columns: Diameter, From, To, Material, SEAL From, SEAL To, sacks or pounds. Row 1: 23, 0, 20, Cement, 0, 20, 34 Sacks. Row 2: 17, 20, 736, ---, ---, ---, ---

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

(6) CASING/LINER: CASING: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Row 1: 18", +1, 20, .375, (X), ( ), (X), ( ). Row 2: 14", 20, 630, .375, (X), ( ), (X), ( )

LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Row 1: 8", 663, 671, ( ), ( ), ( ), ( ). Row 2: 8", 731, 736, .250, ( ), ( ), ( ), ( )

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Size, No., Diameter, Tele/pipe size, Casing, Liner. Row 1: 628, 663, .20, ( ), 8", P, ( ), (X). Row 2: 671, 731, .20, ( ), 8", P, ( ), (X)

(8) WELL TESTS: Minimum testing time is 1 hour. Table with columns: Yield gpm, Drawdown, Drill Stem at, Time. Row 1: ( ), ( ), ( ), 1 hr. Row 2: 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: ---

WELL ID # L 50204 START CARD # 111252

(9) LOCATION OF WELL by legal description: County: Deschutes Latitude: Longitude: Township: 15 S Range: 12E 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

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

(11) WATER BEARING ZONES: Table with columns: From, To, Est. Flow Rate, SWL. Row 1: 630, 660, 200+, 508. Row 2: 671, 730, 500+, 508

(12) WELL LOG: Table with columns: Material, From, To, SWL. Rows include Top Soil, Basalt Gray Vic, Basalt Gray, Cinders Black, Cinders Loose Cir, Basalt Gray, Basalt Multi Color Loose Circulation, Basalt Gray, Basalt Brown with Red & Black Soft, Gray Pumi with Multi Color Soft, Brownish Gray Rock some Gray, Pumi Soft, Gray Rock Soft Med, Multi Color Rock Most Brown, Brownish Red Rock w/Pumi Med Soft, Basalt Black & Gray Hard, Multi Color Rock Red & Brown Mostly, SandStone, Basalt Med-Hard Gray, Cinders Red Green

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 Dave Dault 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

**Seth Rankin**

---

**From:** Seth Rankin  
**Sent:** Monday, March 7, 2022 1:11 PM  
**To:** Seth Rankin  
**Subject:** FW: Waiver for Mapping Standards for two Transfer Application(s)

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**From:** Niall Boggs <NBoggs@parametrix.com>  
**Sent:** Wednesday, March 2, 2022 9:03 AM  
**To:** Seth Rankin <SRankin@parametrix.com>  
**Subject:** FW: Waiver for Mapping Standards for two Transfer Application(s)

**Parametrix**

ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

**Niall Boggs, PE, CWRE**  
Senior Engineer

---

**From:** STARNES Patrick K \* WRD <[Patrick.K.STARNES@water.oregon.gov](mailto:Patrick.K.STARNES@water.oregon.gov)>  
**Sent:** Tuesday, March 1, 2022 9:06 AM  
**To:** Niall Boggs <[NBoggs@parametrix.com](mailto:NBoggs@parametrix.com)>  
**Cc:** JARAMILLO Lisa J \* WRD <[Lisa.J.JARAMILLO@water.oregon.gov](mailto:Lisa.J.JARAMILLO@water.oregon.gov)>  
**Subject:** FW: Waiver for Mapping Standards for two Transfer Application(s)

Good Morning Niall,

The Department does not have the authority to waive general mapping standards for transfer application maps. However, what you have proposed for maps and supplemental maps sounds like they are within general mapping standards. If you wish a map scale waiver, please e-mail-me a pdf of the map(s) for which you are requesting a map scale waiver for.

Thank you!

Kelly

\*\*\*\*\*

Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cell phone: 503-979-3511 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

\*\*\*\*\*

From: JARAMILLO Lisa J \* WRD <[Lisa.J.JARAMILLO@water.oregon.gov](mailto:Lisa.J.JARAMILLO@water.oregon.gov)>  
Sent: Tuesday, March 01, 2022 7:59 AM  
To: STARNES Patrick K \* WRD <[Patrick.K.STARNES@water.oregon.gov](mailto:Patrick.K.STARNES@water.oregon.gov)>  
Cc: Niall Boggs <[NBoggs@parametrix.com](mailto:NBoggs@parametrix.com)>  
Subject: RE: Waiver for Mapping Standards for two Transfer Application(s)

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Hi Kelly,

Please review and respond to Niall Boggs' request for a mapping waiver for two transfer applications (below).

Thank you!  
-Lisa

[Lisa J. Jaramillo](#)  
Transfer and Conservation Section Manager  
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-871-1889 (work cell)



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

---

From: Niall Boggs <[NBoggs@parametrix.com](mailto:NBoggs@parametrix.com)>  
Sent: Thursday, February 24, 2022 1:11 PM  
To: JARAMILLO Lisa J \* WRD <[Lisa.J.JARAMILLO@water.oregon.gov](mailto:Lisa.J.JARAMILLO@water.oregon.gov)>  
Subject: Waiver for Mapping Standards for two Transfer Application(s)

Hi Lisa

We will be submitting transfer applications for two water rights shortly: C-85472 and C-96053. These are quasi-municipal water rights at Eagle Crest resort near Redmond, OR. The proposed change will be to add an Additional Point of Appropriation.

The area of use for these quasi-municipal rights is large and there are a large number of streets and pipelines serving the resort. As such, including the pipelines for the water system on the transfer map is not practical. I am proposing to provide the transfer maps that will include the POAs, place of use, taxlot lines and streets, but won't show the water mains for clarity. We will be include water system maps as supplemental information.

I am not sure if we need to request a waiver from mapping standards for transfer maps, but it is something I've done in the past with Claim maps. Please let me know if this sounds acceptable.

Thank you,

**Parametrix**

Engineering • Planning • Construction • Environmental • Regulatory • GIS

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





# 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

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: \$1,840.00

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

EXPLANATION:  
Certificate #96053 Transfer Application Fee

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SIGNATURES:  
  
\_\_\_\_\_  
Supervisor Signature

A/P Received  A/P Entered

Voucher 0210549  
02 10549

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

DATE: March 03, 2022  
PROJECT NUMBER: 297-8010-010  
PROJECT NAME: Eagle Crest Well 10

- THESE ARE:
- PER YOUR REQUEST
  - FOR YOUR INFORMATION
  - FOR YOUR REVIEW AND APPROVAL
  - FOR YOUR FILES
  - FOR YOUR ACTION

- SENT VIA:
- U.S. MAIL
  - EMAIL/ELECTRONIC
  - FTP
  - GROUND SERVICE
  - EXPRESS OVERNIGHT
  - EXPRESS SECOND DAY
  - COURIER
  - HAND DELIVERY/PICK UP
  - INTEROFFICE MAIL

WE ARE TRANSMITTING THE FOLLOWING MATERIALS:

- C-96053 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
  - Eagle Crest Masters Association (Eagle Crest 1) – As-Builts & Water Right Allocation Summary
  - Evidence of Use Affidavit with attached supplemental information:
    - Certificate #96053
  - Supplemental Form D
  - OWRD Land Use Information Form
  - DESC 1198 (Well 6) Well Log
  - DESC 1082 (Well 7) Well Log
  - DESC 51680 (Well 8) Well Log
  - 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-96053) as well as a second application for another transfer (C-85472) and a check (totaling \$250) for the required application fee (\$125 each)

Sincerely,

cc: Niall Boggs, PE, CWRE



Seth Rankin, PE

# 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

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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.

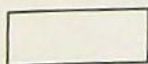
Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>15S</u>	<u>12E</u>	<u>16</u>	<u>NE NE</u>	<u>151216A A00300</u>	<u>EFUSC with DR Overlay</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<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>
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<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>
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<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>

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<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>
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<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>

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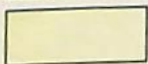
15S	12E	22	SE NE	Multiple	EFUSC with DR Overlay	<input type="checkbox"/> Divert	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Quasi-Municipal
15S	12E	23	NW NW	Multiple	EFUSC with DR Overlay	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed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



Well site



Areas of Use Associated with Water Right C-85472



Areas of Use Associated with Water Right T-10929

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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) \_\_\_\_\_

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. →

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# For Local Government Use Only

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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

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## 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



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

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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 2<sup>nd</sup> or 3<sup>rd</sup> 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.

**E. Watermaster's Office:**

In the Eagle Crest III burden of proof statement, Title 17, A. III b., page 10, 5<sup>th</sup> 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 150<sup>th</sup> 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.

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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...**

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.**

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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 1<sup>st</sup> and July 1<sup>st</sup> 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.**

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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.

**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**

Written by: Paul Blikstad, Associate Planner

Reviewed by: Kevin M. Harrison, Principal Planner

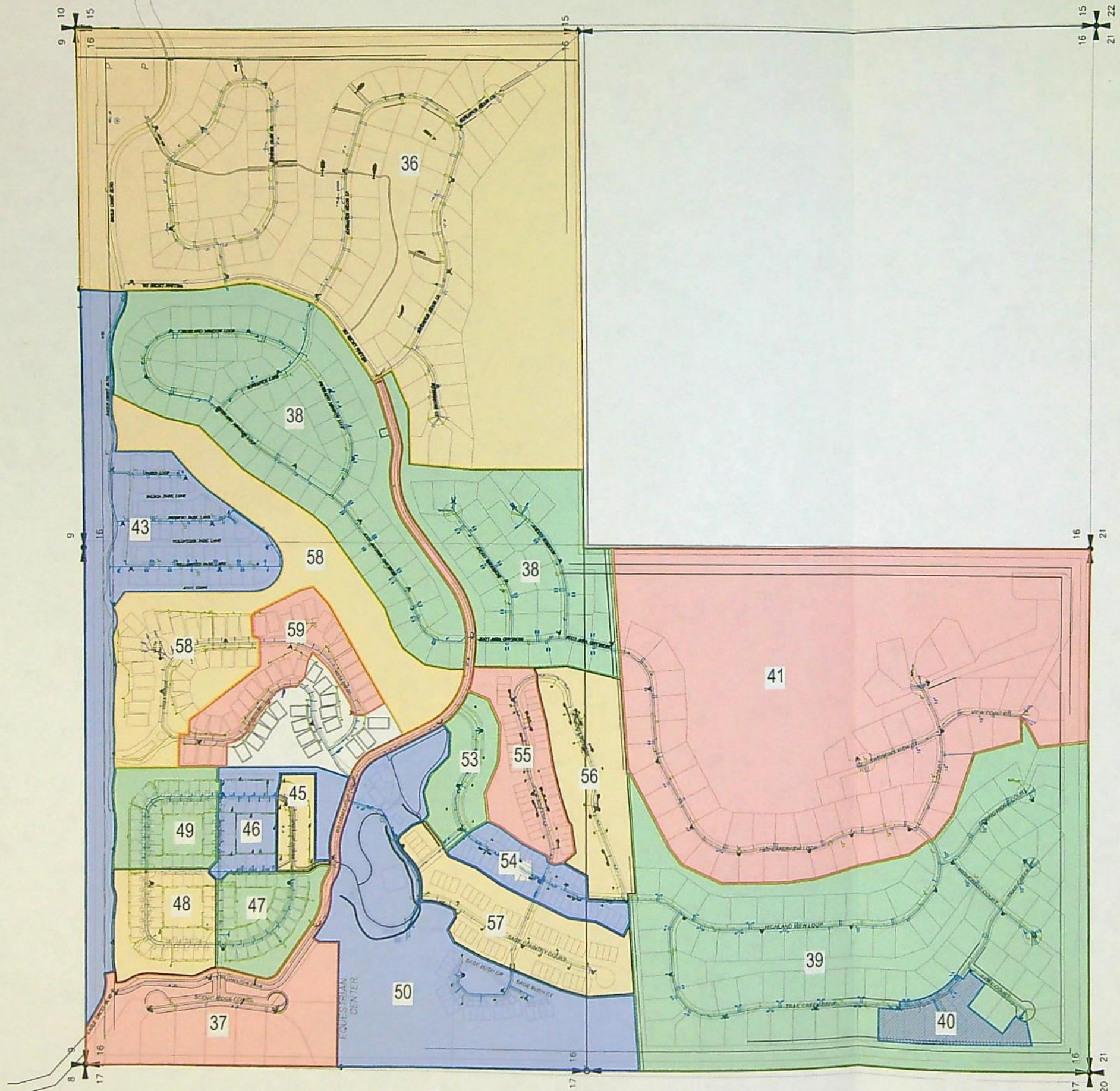
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**MAR 23 2022**

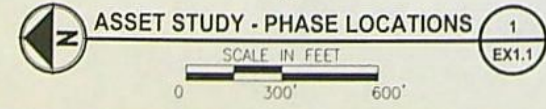
**OWRD**

FILE: EAGLECRESTASSETSTUDY LAYOUT: EAGLE CREST III PATH: U:\Bend\Projects\Clients\8010-Oregon Water Utilities\297-8010-001 Asset Study Update\999vesa\CADD\DWG\EXHIBITS PLOTTED BY: henrymor DATE: Friday, August 25, 2017 2:15:07 PM



LEGEND

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



REVISIONS	DATE	BY

ONE INCH SCALE, IF NOT SCALE ACCORDINGLY

**Parametrix**  
ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.528.7710  
WWW.PARAMETRIX.COM

DATE	9/25/2017	DRAWN	MLT	CHECKED		APPROVED	
PROJECT	297-8010-001						

PRELIMINARY

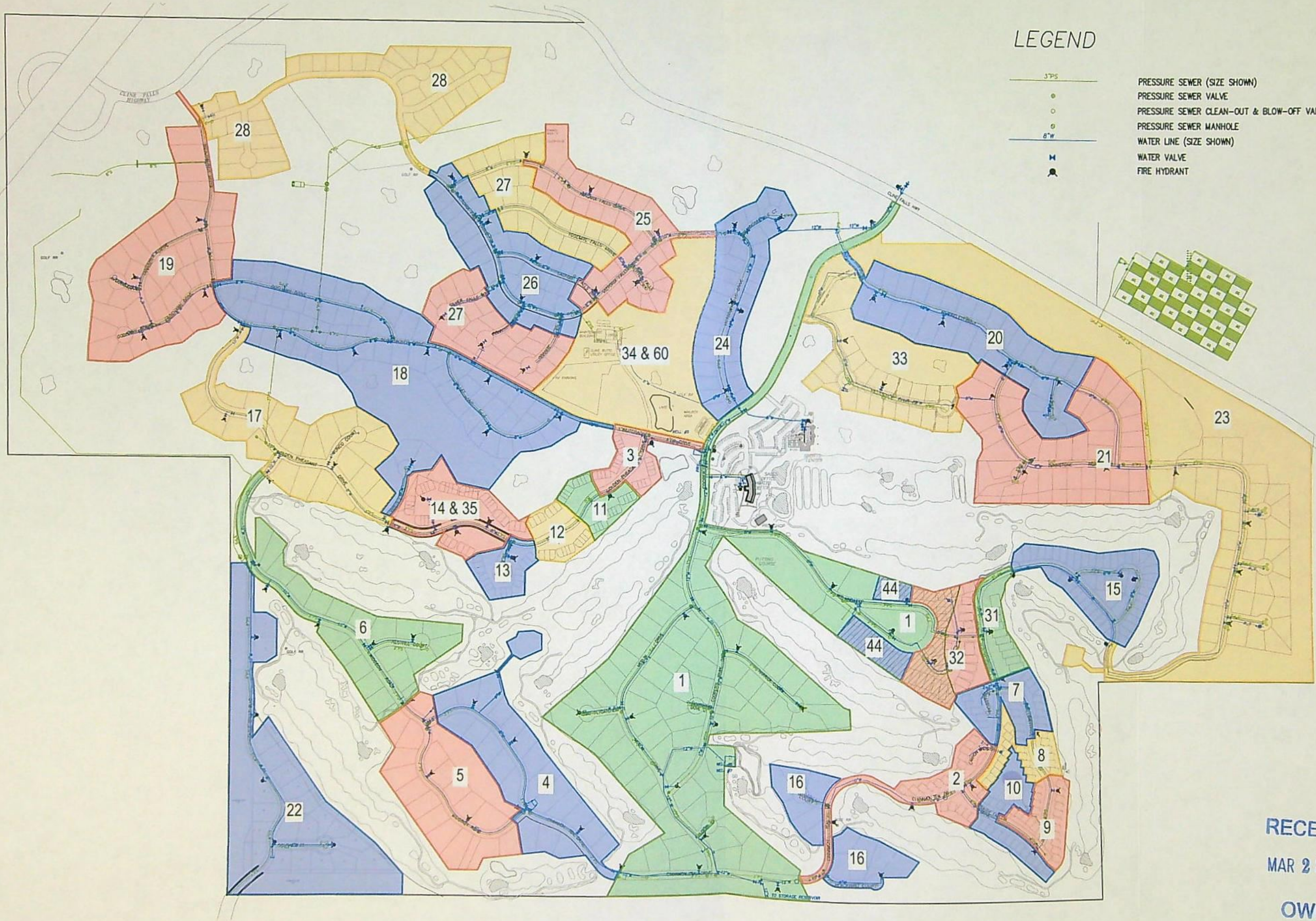
PROJECT NAME  
**ASSET STUDY  
PHASE LOCATIONS**  
REDMOND, OR

**EAGLE CREST III**








RECEIVED  
MAR 23 2022  
OWRD

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

DRAWING NO.  
2 OF XX  
**EX1.1**



LEGEND

-  375 PRESSURE SEWER (SIZE SHOWN)
-  ○ PRESSURE SEWER VALVE
-  ○ PRESSURE SEWER CLEAN-OUT & BLOW-OFF VALVE
-  ○ PRESSURE SEWER MANHOLE
-  --- WATER LINE (SIZE SHOWN)
-  ○ WATER VALVE
-  ○ FIRE HYDRANT

REVISIONS	DATE	BY
Δ		

ONE INCH AT FULL SCALE IF NOT SCALE ACCORDINGLY

**Parametrix**  
ENGINEERING PLANNING ENVIRONMENTAL SCIENCES  
150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7310 WWW.PARAMETRIX.COM

DATE: 8/25/2017 DESIGNED: CHANN MLH CHECKED: APPROVED: 297-8010-001

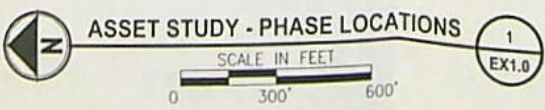
PRELIMINARY

PROJECT NAME	ASSET STUDY PHASE LOCATIONS
	XX

DRAWING NO.	1 OF XX
EX1.0	

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MAR 23 2022  
OWRD

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



1 EX1.0

TOWNSHIP 15S, RANGE 12E, SECTION 16

TYPE OF USE:  
QUASI-MUNICIPAL

PRIORITY DATE:  
MAY 4, 1992

TRANSFER REQUEST:  
ADD A POINT OF APPROPRIATION

RECEIVED

MAR 23 2022

OWRD

REVISIONS	DATE	BY

Parametrix  
ENGINEERING PLANNING ENVIRONMENTAL SCIENCES

DATE: \_\_\_\_\_ JOB NO.: \_\_\_\_\_

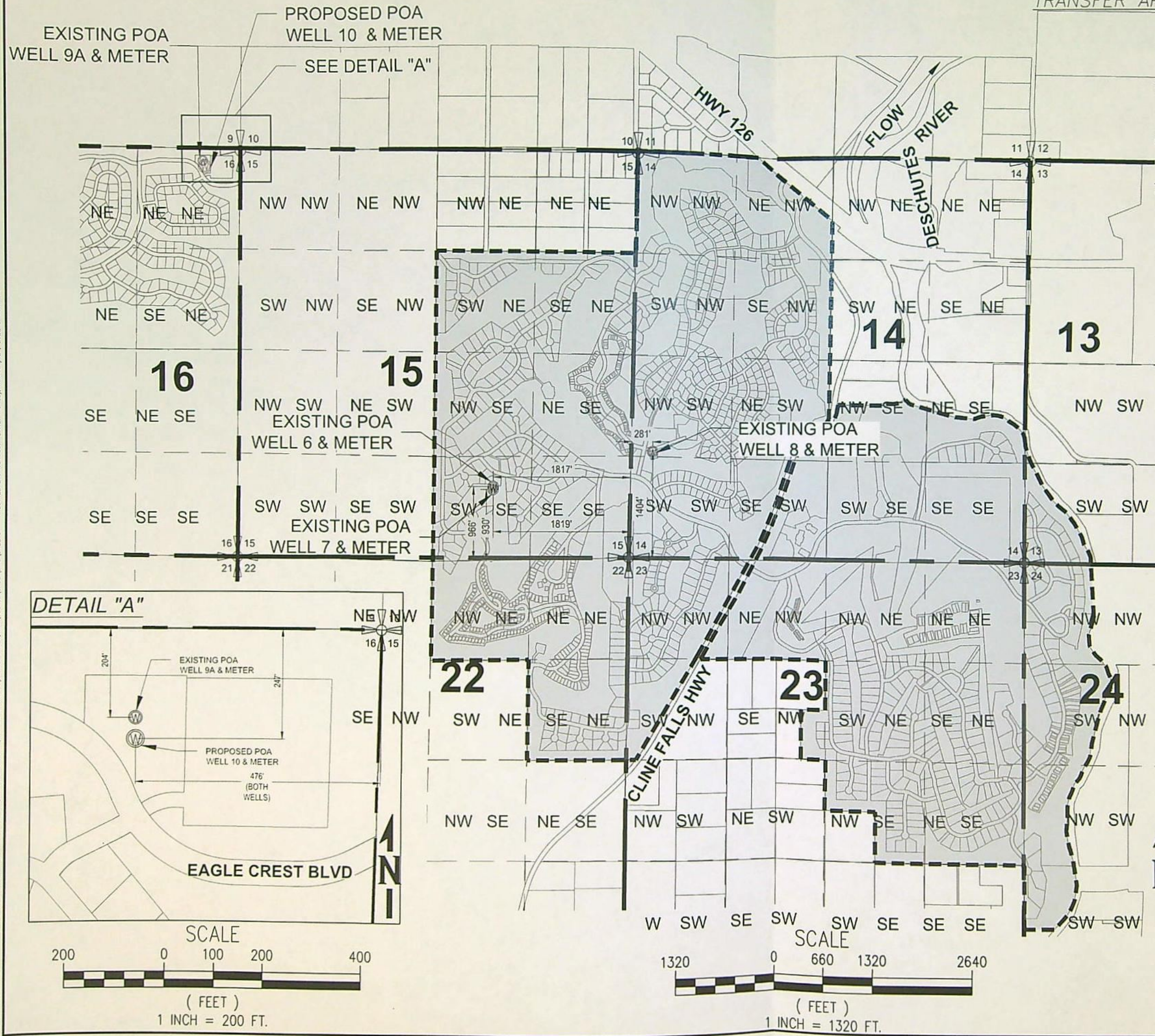
DESIGNED: \_\_\_\_\_ DRAWN: \_\_\_\_\_

CHECKED: \_\_\_\_\_ APPROVED: \_\_\_\_\_

PROJECT NAME  
OREGON WATER UTILITIES  
CLINE BUTTE  
CERTIFICATE 96053

TRANSFER MAP

DRAWING NO.



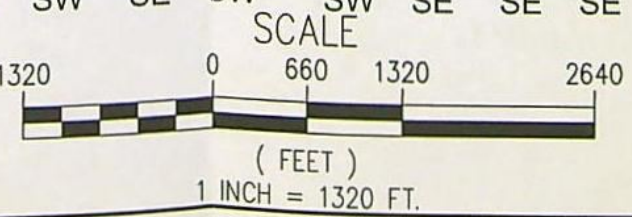
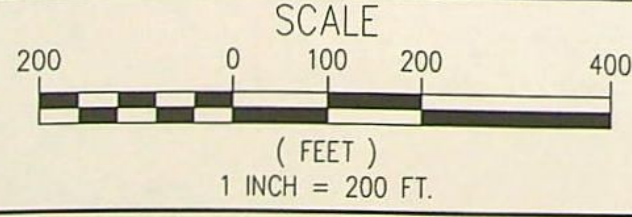
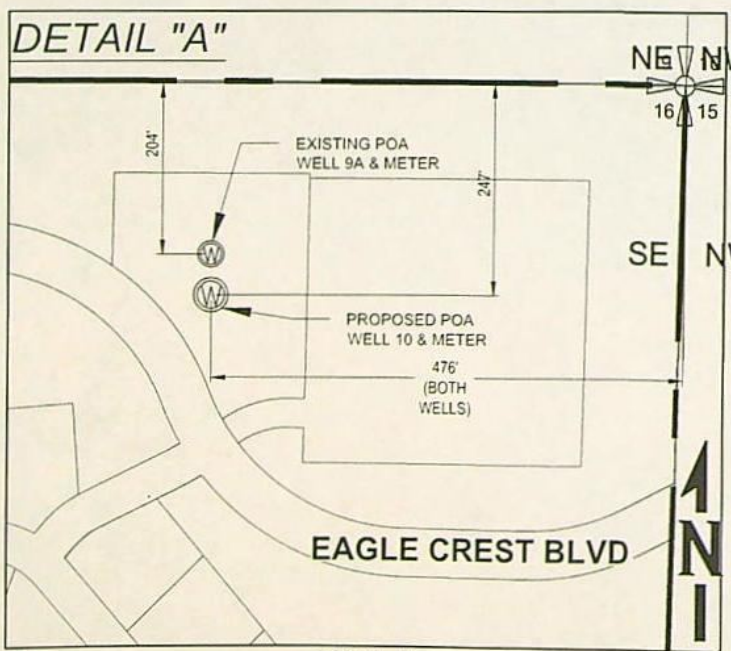
**LEGEND**

- PROPOSED POINT OF APPROPRIATION UNDER THIS TRANSFER APPLICATION
- EXISTING POINT OF APPROPRIATION UNDER CERTIFICATE 96053
- EXISTING AREA OF USE UNDER CERTIFICATE 96053
- SECTION LINE
- TAXLOT LINE
- QUARTER SECTION LINE
- SECTION CORNER

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.



EXPIRES: 12.31.2023



LAYOUT: C:\96053\_11.mxd PATH: U:\Bend\Projects\Clients\8010-Oregon Water Utilities\207-8010-010 EagleCrest BackupWell\96053\CADD\DWG\SHEETS PLOTTED BY: RandiGat DATE: Monday, February 21, 2022 2:41:41 PM

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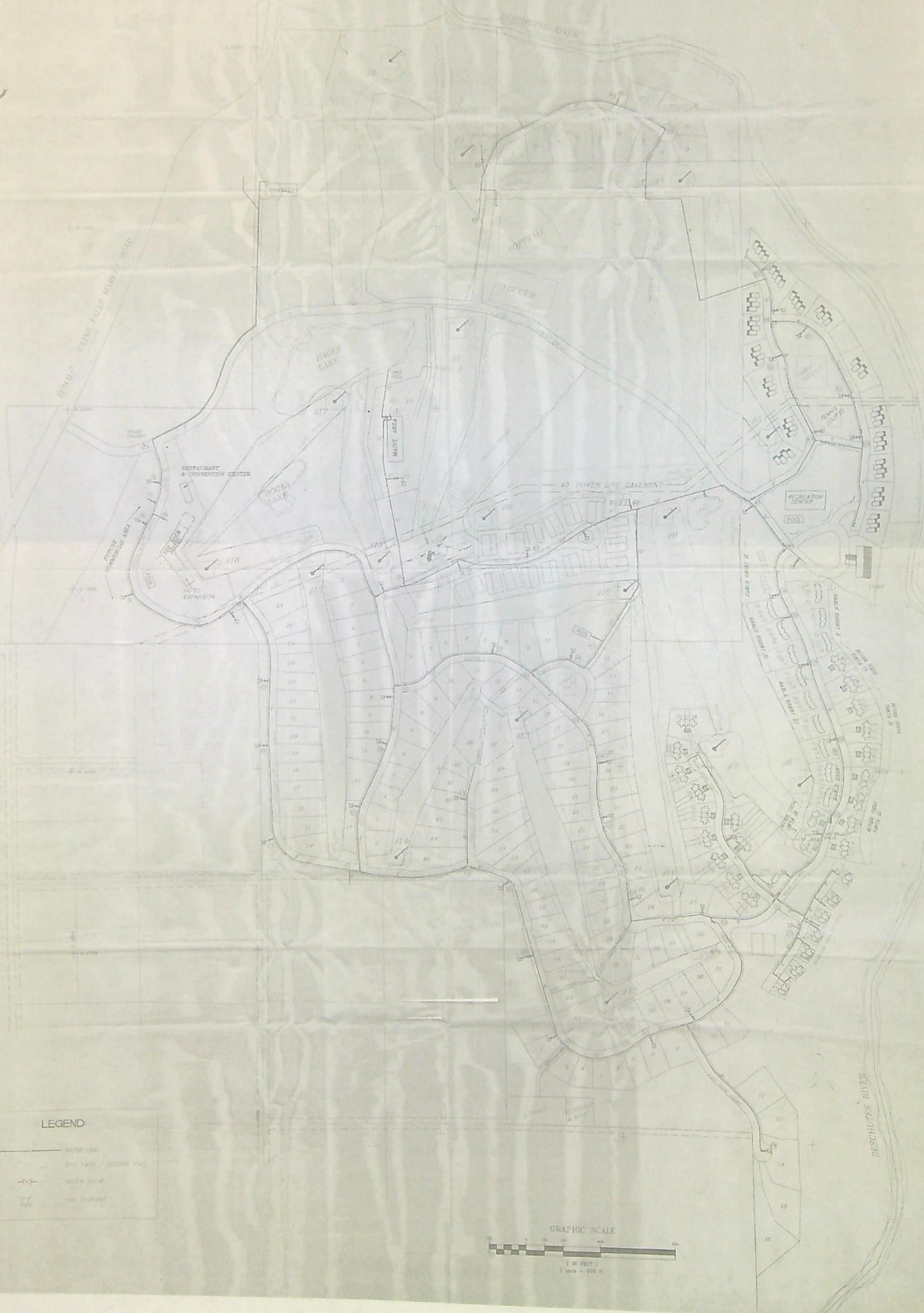
MAR 23 2022

OWRD

App # G-11387 Per # G-10530

# EAGLE CREST AS-BUILT WATER PLAN

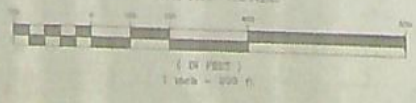
PREPARED BY W & H PACIFIC  
PREPARED 7/1/93



### LEGEND

- WATER LINE
- - - SEWER LINE
- 10' UTILITY EASEMENT
- 40' POWER LINE EASEMENT

### GRAPHIC SCALE





**WATER RIGHTS LEGEND**

- CURRENTLY IRRIGATED
- FUTURE IRRIGATION (EXCLUDING FAIRWAY IRRIGATION)
- LANDS ULTIMATELY TO BE TAKEN OUT OF IRRIGATION
- LAKE MAINTENANCE
- EXISTING WATER RIGHTS
- PROPOSED OUT OF SEASON IRRIGATION

**DEVELOPMENT LEGEND:**

- RECREATION BUILDING
- WELL
- STP
- EXPANDABLE FACILITY SALES, ADMINISTRATION, FOOD & BEVERAGES 5000 SQ FT NOW 4000 SQ FT FUTURE
- OBSERVATION DECK
- FUTURE USE CONVENTION CENTER, SPECIALTY SHOPS, RETAIL STORES, NOTIONS, CONVENTION FACILITIES
- BIKE PATH
- TEMPORARY PROJECT ADMINISTRATION MOBILE UNITS
- PASSAGE WAY
- CHILDRENS PLAY AREA
- 5 MIN PARKING
- LANDSCAPED AREA
- POOL
- TENNIS COURTS
- INDOOR TENNIS COURTS
- COMMERCIAL USE AREA (CONVENIENCE GROCERY, SPECIALTY RETAIL, RESTAURANT, SERVICE STATION, ETC.)

**PROPOSED WATER RIGHT ALLOCATION & TRANSFER SUMMARY**

TOWNSHIP 15 S RANGE 12 E

APRIL 1985

(REVISED MAY 21, 1985)

- GENERAL NOTE:**
1. FUTURE IRRIGATION IS BASED UPON A PROPOSED AVERAGE WIDTH OF 100 FEET.
  2. A STANDARD DOMESTIC WATER SUPPLY SYSTEM WILL BE CONSIDERED AND WILL INCLUDE FIRE HYDRANTS THROUGHOUT THE PROJECT.
  3. PROJECT WELLS WILL BE UTILIZED FOR LAKE MAINTENANCE.
  4. THE OWNERSHIP ARE EXPRESSED IN ADDITION TO THE NOTED COMMERCIAL AND RECREATIONAL FACILITIES.
  5. THE PROJECT IS EXPECTED TO BE COMPLETED IN SEVEN PHASES OVER A SIX YEAR PERIOD. THE POPULATION IS EXPECTED TO GROW TO 1000 PEOPLE IN THIS SIX YEAR PERIOD.

Application No. 2-11537  
Permit No. C10530



CONTROL BY  
CENTURY WEST ENGINEERING CORPORATION  
SALT LAKE CITY, UTAH

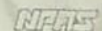
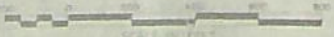
HORIZONTAL DATUM LOCAL  
VERTICAL DATUM U.S.C. & G.S.  
DATE OF SURVEY SEPT 1982



EAGLE CREST DEVELOPMENT

REDMOND, OREGON

PORTIONS OF SECTIONS 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



NORTH PACIFIC AERIAL SURVEYS INC.  
PREPARED BY AERIAL PHOTOGRAMMETRIC METHODS NOV 1983 FROM PHOTOGRAPHS DATED 9/2/81





Oregon  
Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

April 4, 2022

JORGE LOPEZ  
1325 N GRAND AVE SUITE 100  
COVINA, CA 91724-4044

Reference: Application T-13950

On March 23, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Our receipt number 137737 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.

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.

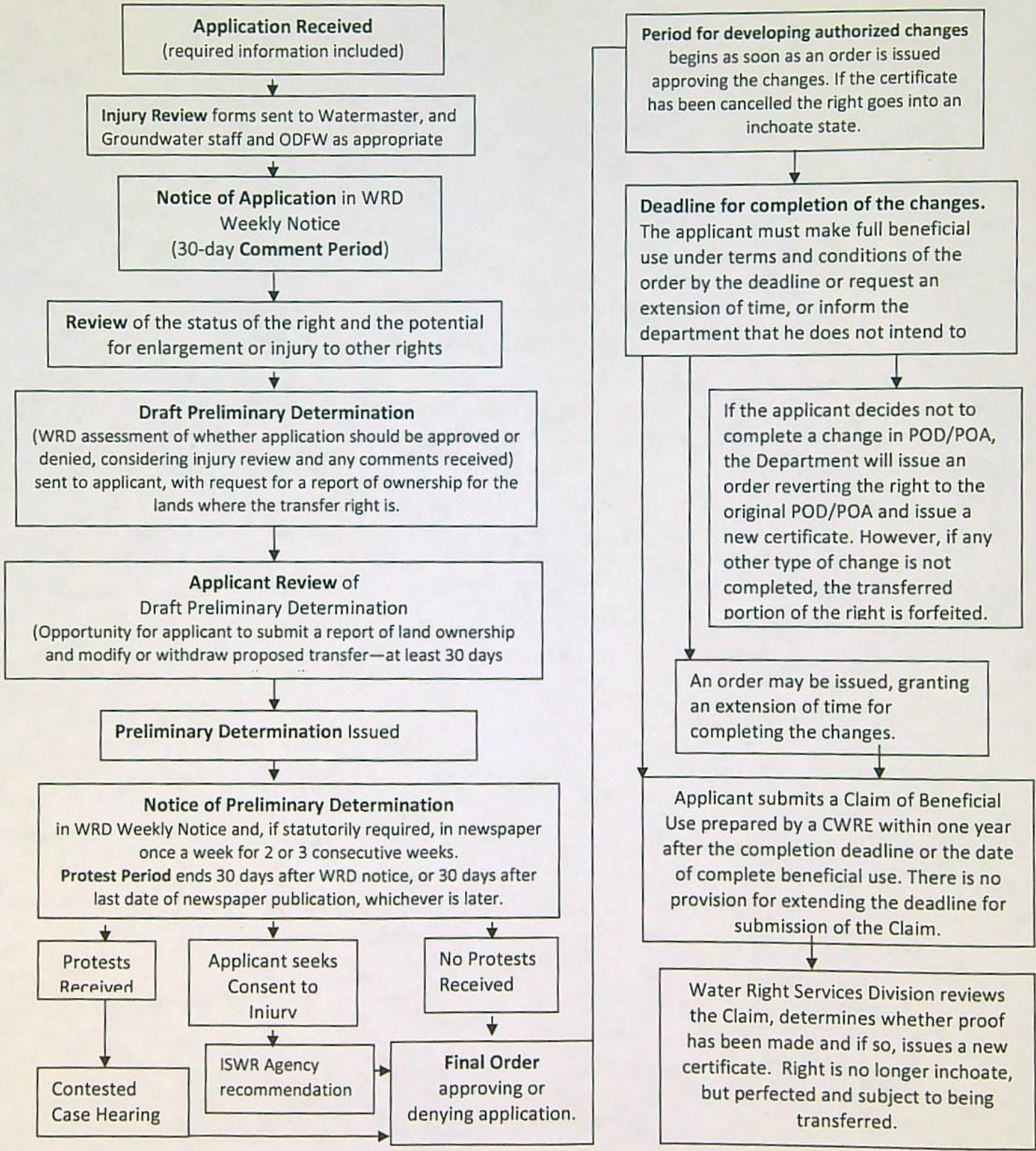
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #11, Jeremy T. Giffin (*via email*)  
Niall Boggs, Agent  
Swalley Irrigation District  
Ann Reece  
Deschutes County

Enclosure

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

OAR 690 Division 380



APR 26 2022

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-363-23**

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: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:jlopez@swwc.com">jlopez@swwc.com</a>	Email: <a href="mailto:nboggs@parametrix.com">nboggs@parametrix.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13950)

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>	<u>4/12/2022</u> Date
	- Name/Title:	
For OWRD:	<i>Dwight French</i>	<u>5/4/2022</u> Date
	Dwight French – Administrator	

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 R11-363-23 T-13950

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				
<b>TOTAL ESTIMATE HOURS</b>		<b>37.02</b>		
			<b>TOTAL</b>	<b>\$1,859.38</b>

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: <u>Parametric, Inc.</u>	APPLICATION	
BY: _____	PERMIT	
CASH: <input type="checkbox"/>	TRANSFER	<u>1-13739</u>
CHECK: # <u>X 260996</u>	OTHER: (IDENTIFY)	<u>1-13950</u>
		TOTAL REC'D \$ <u>250.00</u>

1083 TREASURY		4170 WRD MISC CASH ACCT	
0407	COPIES	<u>47124</u>	<u>R11363-23</u>
			\$ <u>125.00</u>
<u>0412</u>	OTHER: (IDENTIFY)	<u>R11364-23</u>	\$ <u>125.00</u>
		<u>transfer reimbursement Authority</u>	
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
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
		RECORD FEE
		0202
		0204
		\$
WELL CONSTRUCTION		
		EXAM FEE
0218	WELL DRILL CONSTRUCTOR	\$
		0219
		0220
		\$
	LANDOWNER'S PERMIT	
	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 Minal Carola  
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



**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.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	CERTIFICATE 96053 Transfer Number <del>FBI</del> T-13950

	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**

**OWRD**

I certify that I am the (check one):

Applicant  Applicant's Representative  Other (Please specify) \_\_\_\_\_

Name: Niall Boggs, PE, CWRE

Signature: \_\_\_\_\_ *Niall Boggs*

Digitally signed by  
Niall William Boggs  
Date: 2022.02.24  
12:02:06 -08'00'

**OWRD USE ONLY: Reimbursement Authority Number: R11-363 -23**

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13950

Checked by: <u>SWH</u>	<b>Type of Change(s)</b> <i>Proposed:</i> <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	POU	POD	APOD
Date: _____		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>1840</u>		How many rights to be Transferred? Certificate #				
Calculated Fee: <u>1840</u>						
Additional Observations: _____						

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: Swelling
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. [Signature]
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: \_\_\_\_\_ Date: \_\_\_\_\_