

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE
AND POINT OF APPROPRIATION

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8795 submitted by

TERRY BURGESS
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SISTERS, OREGON 97759.

The right to be modified, as evidenced by a PORTION of Certificate 65886, was perfected under Permit G-10624 with a date of priority of JANUARY 16, 1985. The right allows the use of A WELL, in the DESCHUTES RIVER BASIN, for IRRIGATION OF 3.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; NW¼ NE¼, SECTION 31, T 15 S, R 11 E, W.M.; 80 FEET SOUTH AND 2290 FEET WEST FROM THE NE CORNER, SECTION 31, or its equivalent in case of rotation, measured at the well.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW¼ NE¼ 3.0 ACRES
SECTION 31
TOWNSHIP 15 SOUTH, RANGE 11 EAST, W.M.

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

The applicant proposes to change the place of use to:

SE¼ NE¼ 3.0 ACRES
SECTION 31
TOWNSHIP 15 SOUTH, RANGE 11 EAST, W.M.

The applicant proposes to change the point of appropriation to:

SE¼ NE¼, SECTION 31, T 15 S, R 11 E, W.M.; 1019 FEET NORTH AND 753 FEET WEST FROM THE E¼ CORNER, SECTION 31.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2003.

2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 65886 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in T-8795, T-8796 and T-8797. When satisfactory proof of the completed changes is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed OCT 29 2001.


for Paul R. Cleary, Director