

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE,
A CHANGE IN POINT OF DIVERSION,
AND A CANCELLATION OF A WATER RIGHT

Pursuant to ORS 540.510 to 540.530, 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 8743 submitted by

KATHLEEN DEGGENDORFER TRUST
AND GERTRUDE BOYLE
P.O. BOX 1784
SISTERS, OREGON 97759

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION of Certificate 74135. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 120. The dates of priority are 1885 AND 1900.

The right allows the use of SQUAW CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION OF 106.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.12 CUBIC FEET PER SECOND(CFS), BEING 1.04 CFS FOR 1885 PRIORITY DATE AND 1.08 CFS FOR 1900 PRIORITY DATE, if available at the authorized point of diversion: SW¼ SW¼, SECTION 21, T 15 S, R 10 E, W.M.; 998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is a final 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 for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

	<u>1885</u>	<u>1900</u>
LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	33.7 ACRES	
LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	13.3 ACRES	14.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		3.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 ACRES	27.3 ACRES
LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)		1.0 ACRE
LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)		6.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		1.7 ACRES

SECTION 2

TOWNSHIP 15 SOUTH, RANGE 10 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 and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the place of use to:

	<u>1885</u>	<u>1900</u>
LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	24.8 ACRES	10.7 ACRES
LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)		30.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		2.8 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	27.2 ACRES	3.2 ACRES
LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)		0.3 ACRE
LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)		5.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		1.2 ACRES

SECTION 2

TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

The applicant proposes to change the point of diversion to:

LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 2, T 15 S, R 10 E, W.M.;
1127 FEET SOUTH AND 1388 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION
2.

An affidavit was received from KATHLEEN DEGGENDORFER AND GERTRUDE BOYLE, owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is evidenced by Certificate 984, State Record of Water Right Certificates. The abandoned water right is for the use of 0.62 cubic foot per second from Squaw Creek, a tributary of Deschutes River. The date of priority is 1906. The abandoned water right is for the irrigation of 31.0 acres.

A description of the place of use of the abandoned right is as follows:

LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 15.5 ACRES
LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 12.0 ACRES
LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 3.5 ACRES
SECTION 2

TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

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

1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The former place of use shall no longer be irrigated as a part of this water right.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

The water right evidenced by Certificate 984 requested to be cancelled is cancelled.

Except as modified herein, all other conditions and restrictions on Certificate 74145 remain in effect.

When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources Director affixed

DEC 19 2001


for Paul R. Cleary, Director