

STATE OF OREGON

COUNTY OF DESCHUTES

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

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-9187 submitted by

STEPHEN M. SPARKS REVOCABLE TRUST
C/O TIM BAILEY, PONDEROSA PROPERTIES, LLC
P.O. BOX 1779
SISTERS, OREGON 97559.

The permit to be modified is Permit G-12711 with a date of priority of MARCH 10, 1994. The permit allows the use of TWO WELLS, in the DESCHUTES RIVER BASIN, for IRRIGATION OF 112.7 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 1.41 cubic feet per second, if available at the original wells; WELL 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 11, T 14 S, R 11 E, W.M.; SOUTH 18° 1' 43" EAST 1419.73 FEET FROM THE NW CORNER OF SECTION 11; WELL 2 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 14 S, R 11 E, W.M.; SOUTH 5° 21' 27" WEST 1141.93 FEET FROM THE NE CORNER OF SECTION 11, 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:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.1 ACRES
SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 19.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 24.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.1 ACRES
SECTION 11

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 14.2 ACRES
SECTION 12

TOWNSHIP 14 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 19.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16.0 ACRES
* SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.6 ACRES
* SE $\frac{1}{4}$ NE $\frac{1}{4}$ 22.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 24.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.1 ACRES
* NE $\frac{1}{4}$ SE $\frac{1}{4}$ 3.8 ACRES
* NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.8 ACRE
SECTION 11

* NW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.2 ACRES
SECTION 12

TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.

"*" Place of use involved in the change.

The applicant proposes to change the point of appropriation from WELL 2 to WELL 2A located:

WELL 2A - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11, T 14 S, R 11 E, W.M.;
630 FEET SOUTH AND 1000 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 11.

The applicant's agent requested reconsideration of the Order of the Water Resources Director, entered September 24, 2002, at Special Order Volume 56, Page 1020, approving Permit Amendment 9187. The agent stated that through an over sight, the order did not include a proposed change in point of appropriation from WELL 2 to WELL 2A. The agent requested that the proposed change in point of appropriation be included in the approval order for Permit Amendment 9187.

An order granting reconsideration and withdrawing the previous order approving Permit Amendment 9187 was entered December 2, 2002, at Special Order Volume 56, Page 2081.

This approval order includes the proposed change in point of appropriation and replaces the previous order approving Permit Amendment 9187.

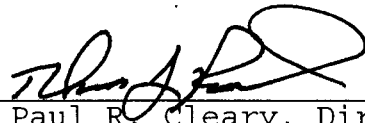
THESE CHANGES TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The combined quantity of water diverted at the new point of appropriation (WELL 2A), together with that diverted at the other authorized point of appropriation (WELL 1), shall not exceed the maximum rate and duty allowed under the water right permit.
2. 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.
3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. The former place of use shall no longer be irrigated as a part of this water right.
5. All other terms and conditions of the permit remain the same.

Permit G-12711, in the name of STEPHEN SPARKS REVOCABLE TRUST is amended as described herein.

WITNESS the signature of the Water Resources

Director, affixed DEC 06 2002.


Paul R. Cleary, Director