

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN CHANGE IN POINT OF DIVERSION

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 6770 submitted by

JAMES CARLTON AND CHESTER PAISE
c/o SWALLEY IRRIGATION DISTRICT
P.O. BOX 5126
BEND, OREGON 97708.

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 29054. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282 and Volume 16 at Pages 172 and 396. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 0.75 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 cubic foot per second from May 15 to September 14, 0.007 cfs from September 15 to September 30 and 0.005 cfs from October 1 to November 1, if available at the authorized point of diversion: NE¼ NW¼, SECTION 20, T 17 S, R 12 E, WM; 590 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER, SECTION 20, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for used for irrigation under this right is limited to the rate and duty, without ditch losses, established by the decree of the Circuit Court for Deschutes County dated March 24, 1933.

The authorized place of use is located as follows:

NE¼ NW¼ 0.75 ACRE
SECTION 20
TOWNSHIP 17 SOUTH, RANGE 12 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 point of diversion to:

NE¼ NW¼, SECTION 20, T 17 S, R 12 E, WM; 156.37 FEET NORTH AND 998.86 FEET WEST FROM THE SE CORNER, NE¼ NW¼, SECTION 20.

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, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, 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. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 29054 has been cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed March 7, 1997.



Martha O. Pagel, Director