

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING A CHANGE IN PLACE OF USE
AND CHARACTER OF USE

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 8811 submitted by

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The right to be modified, as evidenced by a PORTION of Certificate 46529, was perfected under Permit 30206 with a date of priority of OCTOBER 27, 1964. The right allows the use of THREEMILE CREEK, a tributary of WHITE RIVER, for the IRRIGATION OF 8.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 11, T 4 S, R 11 E, W.M., 1530 FEET SOUTH AND 4580 FEET WEST FROM NE CORNER, SECTION 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre or

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 183.484. 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.

its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet 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 located as follows:

NW¼ NW¼ 8.0 ACRES

SW¼ NW¼ 0.8 ACRE

SECTION 9

TOWNSHIP 4 SOUTH, RANGE 12 EAST, W.M.

The right to use the 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:

NW¼ NE¼ 6.3 ACRES

NE¼ NW¼ 1.4 ACRES

NW¼ NW¼ 0.7 ACRE

SECTION 17

TOWNSHIP 4 SOUTH, RANGE 12 EAST, W.M.

The applicant also proposes to change the character of use of 0.4 acre of irrigation to the maintenance of two 0.2 acre ponds located:

NW¼ NE¼ POND MAINTENANCE (0.005 cfs = rate)

NE¼ NW¼ POND MAINTENANCE (0.005 cfs = rate)

SECTION 17

TOWNSHIP 4 SOUTH, RANGE 12 EAST, W.M.

The use of water for pond maintenance in the amount of 0.005 cubic foot per second for each pond is limited to the allowed irrigation season. The use of water for pond maintenance shall not exceed a total of 0.6 acre feet per year for each pond per irrigation season.

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, 2004.
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. The Watermaster shall have access to headgates, measuring devices, and other controlling devices sites at all times.
3. The water user **shall** report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
4. The former place of use shall no longer be irrigated as a part of this water right.
5. The use of water for pond maintenance in the amount of 0.005 cubic foot per second for each pond is limited to the allowed irrigation season. The use of water for pond maintenance shall not exceed a total of 0.6 acre feet per year for each pond per irrigation season.

Certificate 46529 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 21, 2003.



Paul R. Cleary, Director