

**ORDER APPROVING CHANGES IN USE, PLACES OF USE,  
ADDITIONAL POINTS OF APPROPRIATION,  
AND CANCELLATION OF WATER RIGHTS**

Pursuant to ORS 540.510 to 540.530 and 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 6854 submitted by

BIG FALLS RANCH COMPANY  
PO BOX 434  
TERREBONNE, OREGON 97760

This transfer requests modifications to portions of four water rights. The authorized uses and places of use, and the requested changes are shown in the following tables.

The first right to be modified, as evidenced by a portion of Certificate 44281, was perfected under Permit 32049, with a date of priority of APRIL 13, 1967. The right allows the use of DEEP CANYON CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 16.1 ACRES and SUPPLEMENTAL IRRIGATION of 304.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.5 cubic feet per second, provided the total quantity of water diverted under all rights perfected under Permit 32049 shall not exceed 5.5 cfs, if available at the authorized point of diversion: SW¼ SE¼, SECTION 9, T 14 S, R 12 E, W.M.; 4440 FEET SOUTH AND 3020 FEET EAST FROM THE NW CORNER, SECTION 9.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for 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 the order.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The applicant proposes to change the use from supplemental to primary irrigation, and place of use, as described in the following table:

TABLE 1  
PERMIT 32049

				AUTHORIZED LOCATION		REQUESTED LOCATION	
TWN (S)	RNG (E)	SEC	Q/Q	PRI	SUPP	PRI	SUPP
14	12	3	SWSW			1.9	
14	12	4	SWSE			4.3	
14	12	4	SESE	0.8	30.0	26.5	
14	12	8	SENE		1.5	1.4	
14	12	8	NESE		29.0	30.5	
14	12	8	SESE		33.0	33.0	
14	12	9	NWNE			6.5	
14	12	9	SWNE		40.0	40.0	
14	12	9	SENE	1.2			
14	12	9	SWNW		25.0	28.2	
14	12	9	SENE		37.1	38.3	
14	12	9	NESW			2.2	
14	12	9	SWSW			15.5	

14	12	9	SESW			9.1	
14	12	9	NWSE			4.2	
14	12	10	NWNW	.4			
14	12	17	NENE		33.0	33.0	
14	12	17	NWNE			27.2	
14	12	17	SWNE	13.2			
14	12	17	SENE		31.1		
14	12	17	NENW			6.0	
14	12	17	NWNW				1.6
14	12	17	SENW	0.5			
14	12	17	NESW		4.1		
14	12	17	SWSW				8.8
14	12	17	NESE		12.0		
14	12	17	NWSE		28.5		
14	12	18	SESE				2.2
			TOTAL	16.1	304.3	307.8	12.6

The second right to be modified, as evidenced by a portion of Certificate 44283, was perfected under Permit 37392, with a date of priority of OCTOBER 23, 1973. The right allows the use of AN UNNAMED STREAM (McKENZIE CANYON), a tributary of THE DESCHUTES RIVER, for IRRIGATION OF 38.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.5 cubic feet per second, provided the total quantity diverted by all right perfected under Permit 37392 does not exceed 4.5 cfs, if available at the authorized point of diversion: NW¼ SE¼, SECTION 4, T 14 S, R 12 E, W.M.; 1870 FEET NORTH AND 3700 FEET EAST FROM THE NW CORNER, SECTION 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The applicant proposes to diminish the use from primary to supplemental irrigation, and to change place of use as described in the following table:

TABLE 2  
PERMIT 37392

				AUTHORIZED LOCATION		REQUESTED LOCATION
TWN (S)	RNG (E)	SEC.	Q/Q	PRI	SUPP	SUPP
14	12	4	SWSE		7.7	
14	12	8	NESW		5.3	
14	12	8	NWSW		0.2	
14	12	8	SWSW	16.1		31.0
14	12	8	SESW	2.0	1.4	2.4
14	12	8	NWSE		1.4	1.2
14	12	8	SWSE	1.6		1.6
14	12	9	NWNE		20.2	
14	12	9	NENW		9.8	
14	12	9	NESW		35.0	
14	12	9	NWSW		40.0	
14	12	9	SWSW	10.0		
14	12	9	SESW	9.1		

14	12	9	NWSE		13.6	
14	12	17	NWNE		27.2	
14	12	17	SWNE			16.1
14	12	17	SENE			32.7
14	12	17	NENW		6.0	
14	12	17	NWNW			34.0
14	12	17	SENW			0.6
14	12	17	NESW			9.9
14	12	17	SWSW			1.5
14	12	17	SESW			25.8
14	12	17	NESE			15.9
14	12	17	NWSE			27.1
14	12	17	SWSE			6.8
			TOTAL	38.8	167.8	206.6

The third right to be modified, as evidenced by a PORTION of Certificate 75761, was perfected under Permit G-4974 with a date of priority of MARCH 13, 1972. The right allows the use of WELL 1, in the DESCHUTES RIVER BASIN, for IRRIGATION OF 58.0 ACRES. The amount of water to which this right is entitled to is limited to the amount actually beneficially used and shall not exceed 0.73 cubic foot per second, if available at the original well: SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 18, T 14 S, R 12 E, W.M.; WELL 1 - 1050 FEET NORTH AND 6980 FEET WEST FROM THE SE CORNER, SECTION 17, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The applicant proposes to change the place of use, and add additional points of appropriation described below, as shown in the following table:

TABLE 3  
PERMIT G-4974

TWN (S)	RNG (E)	SEC.	Q/Q	POU FROM	POU TO	POA ONLY
14	12	18	SE SE	0.3		23.9
14	12	19	NE NE		2.8	
14	12	19	NW NE	7.2		25.8
14	12	19	NE NW	0.8		
14	12	20	NW NW		5.5	
			TOTAL	8.3	8.3	49.7

The fourth right to be modified, as evidenced by a PORTION of Certificate 74150, was perfected under Permit G - 4396 with a date of priority of APRIL 15, 1969. The right allows the use of WELL 1, in the DESCHUTES RIVER BASIN, for IRRIGATION OF 3.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 40.1 ACRES. The right is limited to 0.54 cubic foot per second, if available at the well; SW¼ SE¼, SECTION 18, T 14 S, R 12 E, W.M.; 1050 FEET NORTH AND 6980 FEET WEST FROM THE SE CORNER, SECTION 17, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The applicant proposes to change the use from supplemental to primary irrigation, the place of use, and add additional points of appropriation described below, as shown in the following table:

TABLE 4  
PERMIT G-4396

				AUTHORIZED LOCATION		AUTHORIZED LOCATION
TWN (S)	RNG (E)	SEC.	Q/Q	PRI	SUPP	PRI
14	12	17	SWSW	1.6	14.4	1.8
14	12	17	SESW		5.8	
14	12	18	SWSE		9.4	9.4
14	12	19	NENE	1.4		29.6
14	12	19	SWNE		7.9	2.0
14	12	19	SENE		2.2	0.3
14	12	19	SENW		0.4	
			TOTAL	3	40.1	43.1

The applicant proposes to add points of appropriation for all of the rights served by Well 1, as listed in TABLE 3 and TABLE 4. The additional points of appropriation are located:

WELL 3 SW¼ NE¼, SECTION 17, T 14 S, R 12 E, WM; 1900 FEET SOUTH AND 1500 FEET WEST FROM THE NE CORNER, SECTION 17.

WELL 4 NW¼ NW¼, SECTION 17, T 14 S, R 12 E, WM; 120 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER, SECTION 17.

WELL 7 NE¼ NW¼, SECTION 9, T 14 S, R 12 E, WM; 1220 FEET SOUTH AND 2540 FEET EAST FROM THE NW CORNER, SECTION 9.

Affidavits were received from BIG FALLS RANCH COMPANY, the owner of certain land and the water rights appurtenant to it. The water rights have been abandoned and are requested to be canceled.

The first abandoned water right is described by Certificate 74136, State Record of Water Right Certificates. The abandoned water right is for the use of 4.95 cubic feet per second from Squaw Creek, a tributary of The Deschutes River. The dates of priority is January 30, 1912 and January 24, 1913. The abandoned water right is for irrigation of 390.0 acres.

The second abandoned water right is a portion of the water right described by Certificate 74135, State Record of Water Right Certificates. The abandoned water right is for the use of 3.68 cubic feet per second from Squaw Creek, a tributary of The Deschutes River. The abandoned water right is for irrigation of 184.0 acres, being 16.6 acres with a priority date of 1903, and 167.4 acres with a priority date of 1904.

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

SE $\frac{1}{4}$  SW $\frac{1}{4}$  15.4 ACRES OF 1903  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  20.0 ACRES OF 1904  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  29.0 ACRES OF 1904  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  39.0 ACRES OF 1904  
SECTION 8

NW $\frac{1}{4}$  NE $\frac{1}{4}$  0.4 ACRE OF 1903  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  10.4 ACRES OF 1904  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  0.8 ACRE OF 1903  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES OF 1904  
SECTION 17

SW $\frac{1}{4}$  SE $\frac{1}{4}$  18.5 ACRES OF 1904  
SECTION 18

SW $\frac{1}{4}$  NE $\frac{1}{4}$  7.9 ACRES OF 1904  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  2.2 ACRES OF 1904  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  0.4 ACRE OF 1904  
SECTION 19

TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

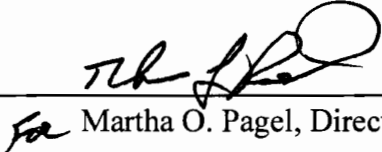


THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new points of appropriation (wells), together with that diverted from the original point of appropriation, shall not exceed the quantity of water available from the original point of appropriation.
3. The water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring devices 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 places of use shall no longer be irrigated as part of these water rights.

The rights requested to be canceled herein are canceled. Certificates 44278, 44281, 44283, 65147, AND 74150 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer and cancellation proceeding. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_ **JAN 11 2000** \_\_\_\_\_ .

  
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fa Martha O. Pagel, Director