

STATE OF OREGON

COUNTY OF CROOK

**ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION
AND CANCELING A PORTION OF A WATER RIGHT**

Pursuant to 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 7739 submitted by

ANDREW D. AND KERRIE M. WALLACE
1809 S. WAMPLER LANE
POWELL BUTTE, OREGON 97753

The right to be modified, as evidenced by an order of the Water Resources Director entered on July 7, 1997, at Special Order Volume 51, Page 640, approving Transfer 7708, was perfected under Permit G-8720 with a date of priority of DECEMBER 28, 1978. The right allows the use of 5 WELLS, in the CROOKED RIVER BASIN, for IRRIGATION OF 4.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the original wells; SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 15 S, R 14 E, W.M.; WELL 1 - 980 FEET NORTH AND 1950 FEET WEST FROM THE SE CORNER, SECTION 11; WELL 2 - 2550 FEET NORTH AND 2550 FEET EAST FROM THE SW CORNER, SECTION 11; WELL 3 - 2060 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER, SECTION 11; AND WELL 4 - 1090 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER, SECTION 11, or its equivalent in case of rotation, measured at the wells.

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 of the order 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 authorized points of appropriation are:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 15 S, R 14 E, W.M.; WELL 1 - 980 FEET NORTH AND 1950 FEET WEST FROM THE SE CORNER, SECTION 11; WELL 5 - 2370 FEET NORTH AND 2550 FEET EAST FROM THE SW CORNER, SECTION 11; WELL 2 - 2550 FEET NORTH AND 2550 FEET EAST FROM THE SW CORNER, SECTION 11; WELL 3 - 2060 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER, SECTION 11; AND WELL 4 - 1090 FEET NORTH AND 1480 FEET WEST FROM THE SE CORNER, SECTION 11.

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 4.0 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:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.8 ACRES
SECTION 11
TOWNSHIP 15 SOUTH, RANGE 14 EAST, W.M.

The use of water allowed herein may be made only at time when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include air lines and pressure gauges or an access ports for measuring line, adequate to determine water level elevation in the wells at all times.

The user shall maintain weirs, meters, or other suitable devices, and shall keep a complete record of the amount of ground water withdrawn.

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be reduced.

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 point of appropriation to:

SE¼ NE¼, SECTION 11, T 15 S, R 14 E, W.M.; 1796 FEET SOUTH AND 315 FEET WEST FROM THE NE CORNER, SECTION 11.

An affidavit was received from ANDREW D. and KERRIE M. WALLACE, the owners of certain land and the water right appurtenant to it. The water right has been abandoned is requested to be canceled.

The abandoned water right is a portion of the right described by an order of the Water Resources Director entered on July 7, 1997, at Special Order Volume 51, Page 640, approving Transfer 7708. The abandoned water right is for the use of 0.0025 cubic foot per second from five wells in the Crooked River Basin. The date of priority is December 28, 1978. The abandoned water right is for irrigation of 0.2 acre.

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

SE¼ NE¼ 0.2 ACRE
SECTION 11
TOWNSHIP 15 SOUTH, RANGE 14 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."

Proof, satisfactory to the Director, of the completed changes approved by Transfer 7708 has been received.

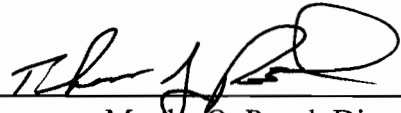
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2001.

2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.
3. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used and shall keep a complete record of the amount of groundwater withdrawn. The type and plans of the measuring device 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 points of appropriation.

The portion of the water right described herein requested to be canceled 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 MAY 02 2000.



Martha O. Pagel, Director
For