

**STATE OF OREGON**

**COUNTY OF CROOK**

**ORDER APPROVING CHANGES IN PLACE OF USE, POINT OF DIVERSION,  
AND CANCELING A PORTION OF A WATER RIGHT**

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 7510 submitted by

GARY AND DAPHNE GUMPERT  
286050 EAST HIGHWAY 26  
PRINEVILLE, OREGON 97754

The right to be modified, as evidenced by a portion of Certificate 24261, was perfected under Permit 23299 with a date of priority of DECEMBER 2, 1954. The right allows the use of POLLY CREEK, a tributary of OCHOCO CREEK, for IRRIGATION of 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.10 cubic foot per second, if available at the authorized point of diversion: NE¼ NW¼, SECTION 35, T 14 S, R 17 E, WM, 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 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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE¼ NW¼                      4.0 ACRES  
SECTION 35  
TOWNSHIP 14 SOUTH, RANGE 17 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 applicants propose to change the place of use to:

SE $\frac{1}{4}$  SE $\frac{1}{4}$                       0.4 ACRE  
SECTION 23

NE $\frac{1}{4}$  NE $\frac{1}{4}$                       3.6 ACRES  
SECTION 26  
TOWNSHIP 14 SOUTH, RANGE 17 EAST, W.M.

The applicants propose to change the point of diversion to:

SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 23, T 14 S, R 17 E, W.M.; 45 FEET NORTH AND 807 FEET WEST FROM THE SE CORNER, SECTION 23.

An affidavit was received from GARY AND DAPHNE GUMPERT, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 24261, State Record of Water Right Certificates. The abandoned water right is for the use of 0.44 cubic foot per second from POLLY CREEK, a tributary of OCHOCO CREEK. The date of priority is December 2, 1954. The abandoned water right is for irrigation of 17.8 acres.

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

NE $\frac{1}{4}$  NW $\frac{1}{4}$                       9.8 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$                       8.0 ACRES  
SECTION 35  
TOWNSHIP 14 SOUTH, RANGE 17 EAST, W.M.

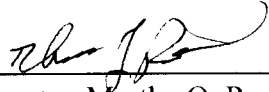
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of 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. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

The right requested to be canceled is canceled. Certificate 24261 is canceled. When satisfactory proof of the completed changes is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed MAR - 4 1999.

  
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For Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.