

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING A CHANGE IN PLACE OF USE AND
PARTIAL DIMINISHMENT 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 8410 submitted by

DENNIS H. MARSH REVOCABLE LIVING TRUST
1270 HIGH STREET
GLADSTONE, OREGON 97027-1619.

The right to be modified, as evidenced by a PORTION of Certificate 76281, was perfected under Permit G-9555 with a date of priority of FEBRUARY 3, 1982. The right allows the use of A WELL, within the DESCHUTES RIVER BASIN, for IRRIGATION OF 200.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.51 cubic feet per second, if available at the original well; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 19, T 4 S, R 14 E, W.M.; 1850 FEET SOUTH AND 1040 FEET WEST FROM THE NE CORNER, SECTION 19, 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 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 18.2 ACRES
LOT 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 0.4 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.4 ACRES
LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 3.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.4 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.3 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3.2 ACRES
SECTION 19

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.6 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.5 ACRES
SECTION 30

TOWNSHIP 4 SOUTH, RANGE 14 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.

An affidavit was received from Dennis H. Marsh, Trustee of the Dennis H. Marsh Revocable Living Trust, owner of certain land and the water right appurtenant to it. A portion of the water right is requested to be diminished to supplemental irrigation.

The portion is described by Certificate 76281, State Record of Water Right Certificates. The date of priority is February 3, 1982. The water use was for irrigation of 130.0 acres from a well, in the Deschutes River Basin. The amount used was 1.62 cubic feet per second.

The applicant proposes to change the place of use to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL (DIMINISHED)</u>
NE¼ NE¼	6.9 ACRES	30.9 ACRES
NW¼ NE¼	4.1 ACRES	
SW¼ NE¼	2.0 ACRES	
SE¼ NE¼	3.0 ACRES	28.1 ACRES
SECTION 19		
NE¼ NW¼	18.0 ACRES	
NW¼ NW¼	1.2 ACRES	32.3 ACRES
SW¼ NW¼	0.1 ACRE	30.4 ACRES
SE¼ NW¼	29.8 ACRES	
NE¼ SW¼	5.4 ACRES	
NW¼ SW¼		8.3 ACRES
SECTION 20		

TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.

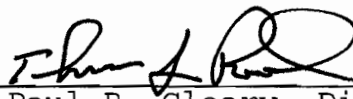
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2005.
2. The former place of use shall no longer be irrigated as part of this water right.
3. 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.

That portion of Permit G-9555 requested to be diminished is diminished to supplemental irrigation.

Certificate 76281 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 DECEMBER 17, 2003.


Paul R. Cleary, Director