

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND PARTIAL CANCELLATION 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 9212 submitted by

ROBERT BROGOTTI
60917 WRIGHT RD
LA GRANDE, OREGON 97850.

The right to be modified, as evidenced by a PORTION of Certificate 41380, was perfected under Permit G-3362 with a date of priority of JULY 7, 1966. The right allows the use of ONE WELL, in the GRANDE RONDE BASIN, for IRRIGATION OF 453.60 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.81 cubic feet per second, if available at the original well; NW¼ SE¼, SECTION 18, T 3 S, R 39 E, W.M.; 1530 FEET NORTH AND 480 FEET EAST FROM THE S¼ CORNER, SECTION 18, 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

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.

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; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

The authorized place of use is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.8 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.2 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.8 Acres

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NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.4 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.8 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.3 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.8 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.9 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.6 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 Acres

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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 character of use from SUPPLEMENTAL IRRIGATION to PRIMARY IRRIGATION.

Pursuant to OAR 690-380-2320, the applicant requested the cancellation of the existing underlying 472.8 acres of PRIMARY IRRIGATION from the GRANDE RONDE RIVER being a PORTION of Certificate 79871.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.91 CFS from the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER.

The date of priority is JULY 25, 1911. The abandoned water right is for IRRIGATION of 472.80 ACRES.

The authorized place of use of the abandoned right for irrigation use is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.1 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.1 Acres

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NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.1 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.1 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.2 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.1 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.1 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 Acres

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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 WHEN THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2005.
2. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.

3. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 79871 is canceled. A new certificate will be issued to describe that portion of the right NOT canceled pursuant to 690-380-2320 as part of this transfer.

All other conditions and restrictions of Certificate 79871 remain in effect.

When satisfactory proof of the completed changes are received, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made and to describe the portion of the right **not** modified by this order.

That portion of the right that has **not** been modified by this order are as follows:

PRIMARY IRRIGATION

41380	NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0 Acres
41380	NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.8 Acres
41380	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 Acres
41380	SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.8 Acres

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WITNESS the signature of the Water Resources

Director, affixed AUGUST 9, 2004.


Phillip C. Ward, Acting Director