

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE

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 9324 submitted by

MCCABE FAMILY TRUST
C/O GARY MCCABE
P.O. BOX 1743
REDMOND, OREGON 97756.

The right to be modified, as evidenced by a portion of Certificate 80173, was perfected under Permit 15920 with a date of priority of MAY 12, 1944. The right allows the use of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.026 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 26, T 14 S, R 12 E, W.M.; 765 FEET NORTH AND 215 FEET WEST FROM THE SE CORNER, SW¼ SE¼, SECTION 26, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 amount of water used for irrigation, together with the amount secured under any other right existing for 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 for each acre irrigated during the irrigation season of each year, SUBJECT TO CONDITIONS AND LIMITATIONS SET OUT IN THE STIPULATION OF AUGUST 1, 1944, BETWEEN THE ARNOLD IRRIGATION DISTRICT AND THE HOLDER OF THIS RIGHT AS RECORDED ON PAGE 1250 IN VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER AND FURTHER SUBJECT TO THE CONDITIONS DESIGNATED IN THE WAIVER OF AUGUST 22, 1944, BY JAMES W.C. POUGE RECORDED ON PAGE 1251, VOLUME 2 OF THE MISCELLANEOUS RECORDS OF THE STATE ENGINEER.

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

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.6 ACRE

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.6 ACRE

SECTION 26

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.9 ACRE

SECTION 35

TOWNSHIP 14 SOUTH, RANGE 12 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The applicant proposes to change the place of use to:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.1 ACRES

SECTION 35

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

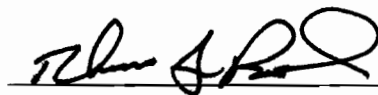
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. 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.
3. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 80173 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 20 2003.


Paul R. Cleary, Director