

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN USE, PLACE OF USE,
AND POINT OF APPROPRIATION

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 7352 submitted by

JAMES AND KAREN LEE
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TERREBONNE OR 97760

The first right to be modified, as evidenced by a PORTION of Certificate 49161, was perfected under Permit G-4396 with a date of priority of APRIL 15, 1969. The right allows the use of WELL 1 AND WELL 2, tributaries of the DESCHUTES RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 79.9 ACRES. The right is limited to 0.26 cubic foot per second from WELL 1 and 0.74 cfs from WELL 2, if available at the original wells; WELL 1 - SW¼ SE¼, SECTION 18; WELL 2 - NW¼ SW¼, SECTION 19, T 14 S, R 12 E, W.M.; WELL 1 - 1050 FEET NORTH AND 6980 FEET WEST FROM THE SE CORNER OF SECTION 17; WELL 2 - 2380 FEET NORTH AND 4420 FEET WEST FROM THE SE CORNER OF SECTION 19, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 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 as follows:

	<u>WELL 1</u>	<u>WELL 2</u>
SW¼ NE¼	8.1 ACRES	21.3 ACRES
SE¼ NE¼		19.0 ACRES
SE¼ NW¼	12.4 ACRES	7.0 ACRES
NW¼ SE¼		9.6 ACRES
SW¼ SE¼		2.5 ACRES
SECTION 19		
TOWNSHIP 14 SOUTH, RANGE 12 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.

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 subsequently reduced.

The applicant proposes to change the USE TO PRIMARY IRRIGATION AND THE POINT OF APPROPRIATION FROM WELLS 1 AND 2 to: WELL 2 - NW¼ SW¼, SECTION 19, T 14 S, R 12 E, W.M.; 2380 FEET NORTH AND 4420 FEET WEST FROM THE SE CORNER OF SECTION 19.

The applicant further proposes to change the place of use to:

SW¼ NE¼	32.0 ACRES
SE¼ NE¼	22.9 ACRES
NE¼ SE¼	1.1 ACRES
NW¼ SE¼	21.2 ACRES
SW¼ SE¼	2.7 ACRES
SECTION 19	
TOWNSHIP 14 SOUTH, RANGE 12 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.

The second right to be modified, as evidenced by a PORTION of Certificate 65147, was perfected under Permit G-4974 with a date of priority of MARCH 13, 1972. The right allows the use of WELL 2, a tributary of the DESCHUTES RIVER BASIN, for IRRIGATING 16.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 68.0 ACRES. The right is limited to 1.05 cubic feet per second, if available at the original well; NW¼ SW¼, SECTION 19, T 14 S, R 12 E, W.M.; 2380 FEET NORTH AND 4420 FEET WEST FROM THE SE CORNER OF SECTION 19, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 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 as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.9 ACRES	30.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		9.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.1 ACRE	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	6.3 ACRES	17.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		12.0 ACRES

SECTION 19
TOWNSHIP 14 SOUTH, RANGE 12 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.

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 subsequently reduced.

The applicant proposes to change the SUPPLEMENTAL IRRIGATION USE TO PRIMARY IRRIGATION AND TO MOVE THE PLACE OF USE OF ALL THE RIGHTS TO:

SE $\frac{1}{4}$ NW $\frac{1}{4}$	15.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.1 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	23.0 ACRES

SECTION 19
TOWNSHIP 14 SOUTH, RANGE 12 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.

Special Order Volume 51, Page 1408, approving the remapping of water rights within a district, cancelled the primary right from Squaw Creek with a 1904 priority, evidenced by Water Right Certificate 850.

On April 15, 1995, the applicant also filed an affidavit requesting the cancellation of the same rights.

THESE CHANGES TO EXISTING WATERS 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, 1999.
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. 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.
4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificates 49161 and 65147 are canceled. New certificates will be issued to confirm those portions of the rights 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 8/4/98.



Martha O. Pagel, Director