

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

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 7078 submitted by

DALE AND BARBARA MITCHELL
64404 COOK AVENUE
BEND, OREGON 97701.

The right to be modified, as evidenced by a portion of Certificate 76464, was perfected under Permit 13245 with a date of priority of AUGUST 25, 1938. The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, AND SEEPAGE FROM TUMALO CREEK, a tributary of THE DESCHUTES RIVER, for IRRIGATION OF 0.3 ACRE AND DOMESTIC USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.0075 cubic foot per second for irrigation and 0.0118 cfs for domestic use, if available at the authorized point of diversion: NW¼ SE¼, SECTION 6, T 17 S, R 12 E, W.M.; 2230 FEET NORTH AND 1650 FEET WEST FROM THE SE CORNER, SECTION 6, 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 an 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 FROM APRIL 1 TO MAY 22 OF EACH YEAR, ONE-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order.

As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the time specified by ORS 183.484(2).

FROM MAY 23 TO AUGUST 20 OF EACH YEAR, and ONE-EIGHTIETH of one cubic foot per second per acre for each acre irrigated AFTER AUGUST 20 OF EACH YEAR, 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 from APRIL 1 TO NOVEMBER 1.

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

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.3 ACRE (Taxlot 4600)
SECTION 31
TOWNSHIP 16 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 applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T 16 S, R 12 E, W.M.; 85 FEET NORTH AND 1410 FEET WEST FROM THE SE CORNER, SECTION 31.

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, 2001.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old 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 water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 76464 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 to TUMALO TOWN DISTRICT IMPROVEMENT COMPANY.

WITNESS the signature of the Water Resources Director, affixed _____ SEP 18 2000



Paul R. Cleary, Director