

**STATE OF OREGON**

**COUNTY OF DESCHUTES**

**ORDER APPROVING CHANGES IN USE, PLACE OF USE,  
AND ADDITIONAL POINTS 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 8099 submitted by

DESCHUTES RIVER RANCH (PACIFIC NW DEVELOPMENT)  
9725 SW BEAVERTON-HILLSDALE HIGHWAY, SUITE 110  
BEAVERTON, OREGON 97705

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION of Certificate 13600. The decree is recorded in the Order Record of the Water Resources Director in Volume 9, at Page 362. The date of priority is SPRING OF 1885.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION OF 60.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.75 CUBIC FOOT PER SECOND FROM APRIL 1 TO MAY 23 AND FROM AUGUST 20 TO NOVEMBER 1, AND 1.50 CUBIC FEET PER SECOND FROM MAY 23 TO AUGUST 20, if available at the authorized point of diversion: SE¼ SW¼, SECTION 17, T 16 S, R 12 E, W.M.; 84 FEET NORTH AND 847 FEET WEST FROM THE S¼ CORNER OF SECTION 17, 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 any other right for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre from April 1 to May 23 and from August 20 to November 1, and ONE-FORTIETH of one cubic foot per second per acre from May 23 to August 20, or its equivalent for each acre irrigated 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.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  SW $\frac{1}{4}$  10.0 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  27.0 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  23.0 ACRES

SECTION 7

TOWNSHIP 16 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 and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the use and place of use from 3.13 acres of irrigation to the use of 0.04 cfs from April 1 to May 23 and August 20 to November 1, and 0.08 cfs from May 23 to August 20, for dust abatement and ranch operations (not including irrigation and domestic uses), located as follows:

SE $\frac{1}{4}$  SW $\frac{1}{4}$   
SW $\frac{1}{4}$  SE $\frac{1}{4}$   
SE $\frac{1}{4}$  SE $\frac{1}{4}$   
SECTION 17

NE $\frac{1}{4}$  NE $\frac{1}{4}$   
NW $\frac{1}{4}$  NE $\frac{1}{4}$   
NE $\frac{1}{4}$  NW $\frac{1}{4}$   
SECTION 20

TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

The applicant proposes to change the place of use for the irrigation to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$  2.56 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  22.56 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  11.37 ACRES

SECTION 17

NE¼ NE¼      0.18 ACRE  
NW¼ NE¼      18.68 ACRES  
NE¼ NW¼      1.52 ACRES

SECTION 20  
TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

The applicant proposes to add points of diversion at:

SW¼ SE¼ AND SE¼ SE¼, SECTION 17, T 16 S, R 12 E, W.M.; 1053 FEET NORTH AND 396 FEET EAST; AND, 637 FEET NORTH AND 1340 FEET EAST, BOTH FROM THE S¼ CORNER OF SECTION 17.

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

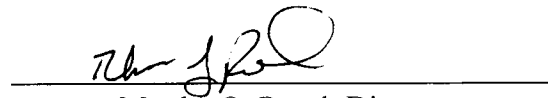
1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by 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 former place of use shall no longer be irrigated as a part of this water right.
6. The amount of water used for dust abatement and ranch operations (not including irrigation and domestic uses), together with the amount secured under any other right for the same lands, is limit to the amount beneficially used and shall not exceed 0.04 cubic foot per second from April 1 to May 23 and August 20 to November 1, and 0.08 cubic foot per second from May 23 to August 20 of each year, and shall be further limited to a diversion of not to exceed 12.52 acre-feet during the irrigation season of each year.

7. 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 Fish and Wildlife Department prior to beginning of construction and shall be installed under the general 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 13600 is canceled. When satisfactory proof of the completed changes is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed JAN 22 1999.

  
For Martha O. Pagel, Director