

STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A CHANGE IN USE AND 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 8578 submitted by

MICHAEL & SUSAN FAULKENDER  
6890 HESS ROAD  
MT. HOOD, OREGON 97041.

The right to be modified, was perfected under a portion of Permit 43970, with a date of priority of FEBRUARY 28, 1979. The right allows the use of water from an UNNAMED SPRING, a tributary of the EAST FORK HOOD RIVER, for IRRIGATION of 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.049 cubic foot per second, if available at the authorized point of diversion: SW 1/4 NW 1/4, SECTION 35, T 1 N, R 10 E, W.M.; 440 FEET NORTH AND 760 FEET EAST FROM THE W 1/4 CORNER, SECTION 35, 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 THREE 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 located as follows:

(LOT 7) SW $\frac{1}{4}$  NE $\frac{1}{4}$  4.0 ACRES  
SECTION 34  
TOWNSHIP 1 NORTH, RANGE 10 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 and is subject to all other conditions and limitations contained in the permit.

The applicant proposes to change the character of use of 0.5 acres from IRRIGATION to COMMERCIAL USE WITHIN A CAMPGROUND.

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  3.5 ACRES (AND COMMERCIAL)  
SECTION 34  
TOWNSHIP 1 NORTH, RANGE 10 EAST, W.M.

Proof to the Satisfaction of the Director has been completed for Permit 43970.

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, 2002.

2. The use of water for commercial use shall be limited to 0.006 cubic foot per second and shall be further limited to an appropriation of 1.5 acre-feet during the irrigation season of April 1 through October 1.
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. The former place of use shall no longer be irrigated as a part of this water right.

A certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed changes are received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed       **JUL 23 2001**      .

  
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Paul R. Cleary, Director