

STATE OF OREGON

COUNTY OF DESCHUTES

**ORDER APPROVING A CHANGE IN PLACE OF USE,
POINT OF APPROPRIATION,
AND PARTIAL CANCELLATION OF CERTAIN WATER RIGHTS**

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 9085 submitted by

T. W. AND JOAN SCANNELL
P.O. BOX 1831
SISTERS, OREGON 97759.

The right to be modified, as evidenced by a PORTION of Certificate 72242, was perfected under Permit G-11250 with a date of priority of DECEMBER 17, 1990. The right allows the use of A WELL, in the SQUAW CREEK BASIN, for IRRIGATION OF 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the original well; SW¼ NW¼, SECTION 3, T 15 S, R 10 E, W.M.; 1425 FEET SOUTH AND 238 FEET EAST FROM THE NW CORNER, SECTION 3, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 per acre for each acre irrigated during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final 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 DAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

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

The authorized place of use is as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 ACRES
SECTION 3
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

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 well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

When required by the department, the user shall install and maintain a weir, meter or other suitable measuring device and shall keep a complete record of the amount of ground water withdrawn.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the place of use to:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.53 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.47 ACRES
SECTION 33
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

The applicant proposes to change the point of appropriation to:

NW¼ NE¼, SECTION 33, T 14 S, R 10 E, W.M.; 672 FEET SOUTH AND 247 FEET EAST FROM THE N¼ CORNER, SECTION 33.

An affidavit was received from Joseph Angel, the owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and is requested to be canceled.

The portion is described by Certificate 11562, State Record of Water Rights Certificates. The date of priority is December 6, 1935. The water use was for supplemental irrigation of 3.8 acres from Swamp Creek.

A description of the place of use of the abandoned portion is as follows:

SW¼ NW¼ 3.8 ACRES (Tax lot 1501)
SECTION 3
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

An affidavit was received from Joseph Angel, the owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and is requested to be canceled.

The portion is described by Certificate 31244, State Record of Water Rights Certificates. The date of priority is March 27, 1959. The water use was for primary irrigation of 1.4 acres and supplemental irrigation of 3.7 acres from a well in the Squaw Creek Basin.

A description of the place of use of the abandoned portion is as follows:

SW¼ NW¼ 3.7 ACRES (Tax lot 1501) SUPPLEMENTAL
SE¼ NW¼ 1.4 ACRES (Tax lot 1501) PRIMARY
SECTION 3
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right."

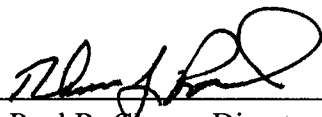
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point 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 point of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

The portion of the water rights that have been abandoned and that are requested to be canceled are canceled.

Certificate 72242 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 SEPT. 19, 2002.



Paul R. Cleary, Director