

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN USE, PLACE OF USE
AND 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 8613 submitted by

R. SCOTT AND ANN DAHLEN
64585 OLD REDMOND-BEND HWY
BEND, OREGON 97701.

The party responsible for completion of the changes and to whom all notices and correspondence should be sent is:

WALTER C. BABCOCK
64815 LAIDLAW LANE
BEND, OREGON 97701

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 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282. The date of priority is SEPTEMBER 1, 1899.

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 right allows the use of the DESCHUTES RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, if available at the authorized point of diversion: NE¼ NW¼, SECTION 20, T 17 S, R 12 E, W.M.; 590 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER, SECTION 20, 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 a diversion not to exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, being:

April 1 to May 1 & Oct. 1 to Nov. 1	1 cfs to 83 acres
May 1 to May 15 & Sept. 15 to Oct. 1	1 cfs to 62 acres
May 15 to Sept. 15	1 cfs to 33.45 acres

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the diversion from the source.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

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The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.4 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.6 ACRE

SECTION 20

TOWNSHIP 17 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 to 2.0 acre/equivalent for POND MAINTENANCE.

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

NW $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 29

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

The applicant also proposes to change the point of diversion to:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 16 S, R 12 E, W.M.; 1248 FEET NORTH AND 138 FEET WEST FROM THE SE CORNER, SECTION 30.

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

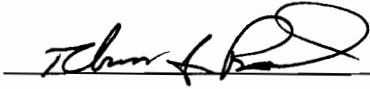
1. The proposed change shall be completed on or before October 1, 2002.

2. The 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. Prior to diverting water at the new point of diversion, 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.

The right evidenced by Certificate 74145 is modified as described herein. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources

Director, affixed **MAR 07 2001** .



Paul R. Cleary, Director