

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION
AND CORRECTION OF A WATER RIGHT

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 9046 submitted by

REBECCA NELSON
3405 THREE MILE ROAD
THE DALLES, OREGON 97058.

The right to be modified, as evidenced by a PORTION of Certificate 65769, was perfected under Permit G-8798 with a date of priority of MARCH 13, 1980. The right allows the use of A WELL, within the THREEMILE CREEK BASIN, for IRRIGATION OF 9.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the original well; NE¼ NW¼, SECTION 33, T 1 N, R 13 E, W.M.; 770 FEET SOUTH AND 2840 FEET WEST FROM THE NE CORNER OF SECTION 33, or its equivalent in case of rotation, measured at the well.

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 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.

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

The authorized place of use is as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.8 ACRES
SECTION 28

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.6 ACRES
SECTION 33
TOWNSHIP 1 NORTH, RANGE 13 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.

The applicant proposes to change the point of appropriation to:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 28, T 1 N, R 13 E, W.M.; 83 FEET NORTH AND 2253 FEET WEST OF THE SE CORNER, SECTION 28.

CORRECTION OF CERTIFICATE 65769

Certificate 65769, issued to Albert C. McClure, allowed the use of 5.8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 1 North, Range 13 East, W.M. This 5.8 acres was located incorrectly when reviewing the final proof survey. This order is to correctly describe the location as 5.8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 1 North, Range 13 East, W.M.

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, 2004.
2. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully authorized by the water right.
3. Prior to diverting water from the new point of appropriation, 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.

Certificate 65769 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 JANUARY 27, 2003.



for Paul R. Cleary, Director