

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING A CHANGE IN 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 7765 submitted by

ROCKY RIDGE RANCH, INC.
27155 NW TRUITT ROAD
HILLSBORO, OREGON 97124.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WASCO County as evidenced by a PORTION of Certificate 34533. The decree is recorded in the Order Record of the Water Resources Director in Volumes 7 AND 11, at Pages 196 AND 416, respectively. The dates of priority are 1901 FOR TRACT 1 AND 1911 FOR TRACT 2.

The right allows the use of LOST AND BOULDER CREEKS, tributaries of WHITE RIVER, for IRRIGATION OF 1.7 ACRES IN TRACT 1 AND 4.5 ACRES IN TRACT 2, STOCK AND DOMESTIC. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed: TRACT 1 - 0.02 CUBIC FOOT PER SECOND, MEASURED AT OR NEAR THE DIVERSION BOX AT THE HEAD OF THE MAIN LATERALS OF SAID COMPANY SITUATED IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 10, T 5 S, R 11 E, W.M.; TRACT 2 - SHALL BE LIMITED TO A DIVERSION OF NOT TO EXCEED 1.0 ACRE FOOT PER ACRE DURING ANY 30 DAY PERIOD UP TO JULY 1 OF EACH YEAR AND NOT TO EXCEED

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.

3.0 ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON, PROVIDED THAT THE RATE OF FLOW SHALL NOT EXCEED ONE-FORTIETH OF A SECOND FOOT PER ACRE UP TO JULY 1 OF EACH YEAR AND THEREAFTER NOT TO EXCEED ONE-EIGHTIETH OF A SECOND FOOT PER ACRE, or its equivalent in case of rotation.

The authorized place of use is located as follows:

TRACT 1
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.7 ACRES
SECTION 8

TRACT 2
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.5 ACRES
SECTION 7

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

The second right to be modified, as evidenced by a PORTION of Certificate 34587, was perfected under Permit 25326 with a date of priority of JANUARY 27, 1958. The right allows the use of FOREST CREEK, a tributary of the WHITE RIVER, for SUPPLEMENTAL IRRIGATION OF 6.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T 4 S, R 10 E, W.M.; 195 FEET NORTH AND 256 FEET EAST FROM THE SW CORNER OF SECTION 27, 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 existing for the same lands, is limited to ONE-FORTIETH 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 for each acre irrigated during the irrigation season of each year.

Any future appropriation under this right shall be limited to the following conditions:

At all times that water is diverted under the permit, 2.0 cubic feet per second of the natural flow of Forest Creek shall be passed by the point of diversion of the Lost and Boulder Creek Ditch Company.

The intent of this waiver is to provide 2.0 cubic feet per second of water in Forest Creek to flow through and service the Forest Camp, and shall not be effective if the Forest Camp is abandoned or future appropriations are allowed which do not contain the same provisions.

The authorized place of use is located as follows:

<u>SUPPLEMENTAL</u>	
<u>TRACT 1</u>	<u>TRACT 2</u>
NW¼ NW¼ 1.7 ACRES	NE¼ NE¼ 4.5 ACRES
SECTION 8	SECTION 7

TOWNSHIP 5 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 third right to be modified, as evidenced by a PORTION of Certificate 67135, was perfected under Permit 43971 with a date of priority of NOVEMBER 15, 1977. The right allows the use of LOST, BOULDER, AND FOREST CREEKS; AND RESERVOIR 4 CONSTRUCTED UNDER PERMIT R-7805, tributaries of the WHITE RIVER, for PRIMARY IRRIGATION OF 13.1 ACRES FROM LOST, BOULDER, AND FOREST CREEKS, AND SUPPLEMENTAL IRRIGATION OF 1.7 ACRES FROM RESERVOIR 4. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.35 CUBIC FOOT PER SECOND(CFS), BEING 0.12 CFS FROM EACH OF LOST, BOULDER, AND FOREST CREEKS FOR PRIMARY IRRIGATION ONLY, AND 0.07 ACRE-FOOT STORED WATER ONLY FROM RESERVOIR 4, if available at the authorized points of diversion: LOST CREEK - SE¼ SW¼, SECTION 26, T 4 S, R 10 E, W.M.; 1310 FEET NORTH AND 1740 FEET EAST FROM THE SW CORNER OF SECTION 26; BOULDER CREEK - NE¼ SE¼, SECTION 27, T 4 S, R 10 E, W.M.; 2340 FEET NORTH AND 350 FEET WEST FROM THE SE CORNER OF SECTION 27; FOREST CREEK - SW¼ SW¼, SECTION 27, T 4 S, R 10 E, W.M.; 195 FEET NORTH AND 256 FEET EAST FROM THE SW CORNER OF SECTION 27; RESERVOIR 4 - NE¼ NE¼, SECTION 7, T 5 S, R 12 E, W.M.; 700 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 7, 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 existing for the same lands, is limited to ONE-FORTIETH 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 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:

	PRIMARY	SUPPLEMENTAL
	<u>FROM CREEKS</u>	<u>FROM RESERVOIR 4</u>
NW¼ NW¼	13.1 ACRES	1.7 ACRES
	SECTION 8	

TOWNSHIP 5 SOUTH, RANGE 12 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.

The applicant proposes to change the place of use to:

CERTIFICATE 34533 (PRIMARY) AND PERMIT 25326 (SUPPLEMENTAL)

<u>TRACT 1</u>	<u>TRACT 2</u>
NE¼ NE¼ 1.7 ACRES	NE¼ NE¼ 4.5 ACRES
SECTION 8	SECTION 8

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

PERMIT 43971

	PRIMARY	SUPPLEMENTAL
	<u>FROM CREEKS</u>	<u>FROM RESERVOIR 4</u>
SE¼ SE¼	11.5 ACRES	
	SECTION 5	
NE¼ NE¼	1.6 ACRES	1.7 ACRES
	SECTION 8	

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

THIS CHANGE TO AN EXISTING WATER RIGHTS 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, 2005.
2. The former places of use shall no longer be irrigated as a parts of these water rights.

Certificates 34533, 34587, and 67135 are cancelled. New certificates will be issued to confirm those portions of these rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed JAN 15 2004.


For Paul R. Cleary, Director