

STATE OF OREGON

COUNTY OF GRANT

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 9551 submitted by

LAZY H LAND AND CATTLE CO., INC.  
P.O. BOX 300  
DAYVILLE, OREGON 97825.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by a PORTION of Certificate 25835. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1872.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 52.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.31 cubic feet per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 12, T 13 S, R 27 E, W.M., 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 for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to 1.0 acre-foot per acre per calender month to July 1 and  $\frac{1}{4}$  acre-foot per acre thereafter; total 5.0 acre-feet per acre for season, measured at point of diversion.

The authorized place of use is located as follows:

TRACT 2

SW $\frac{1}{4}$  NE $\frac{1}{4}$  22.6 ACRES

SE $\frac{1}{4}$  NE $\frac{1}{4}$  11.9 ACRES

SE $\frac{1}{4}$  NW $\frac{1}{4}$  18.0 ACRES

SECTION 11

TOWNSHIP 13 SOUTH, RANGE 27 EAST, W.M.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by a PORTION of Certificate 64186. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is MARCH 14, 1906.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 54.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.36 cubic feet per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 12, T 13 S, R 27 E, W.M.; 30 FEET NORTH AND 1060 FEET EAST FROM THE WEST  $\frac{1}{4}$  CORNER OF SECTION 12; 1386 FEET NORTH AND 1518 FEET WEST FROM THE SE CORNER OF SECTION 12; LOT 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 18, T 13 S, R 28 E, W.M.; 560 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 18, 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 ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated from April 1 to September 30, and shall be further limited to 1.0 acre-foot per acre per calender month to July 1 and  $\frac{1}{4}$  acre-foot per acre thereafter; total 5.0 acre-feet per acre for season, measured at point of diversion.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.1 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.9 ACRES

SECTION 12

TOWNSHIP 13 SOUTH, RANGE 27 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 Certificate 57837, was perfected under Permit 41360 with a date of priority of JUNE 2, 1970. The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION 3.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 12, T 13 S, R 27 E, W.M.; 30 FEET NORTH AND 1060 FEET EAST FROM THE W $\frac{1}{4}$  CORNER OF SECTION 12, 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 5.0 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:

SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.3 ACRE  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  3.0 ACRES  
SECTION 12

TOWNSHIP 13 SOUTH, RANGE 27 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 right is subject to minimum flows established by the water resources Commission with an effective date prior to this right.

The applicant proposes to change the place of use to:

CERTIFICATE 64186

NW $\frac{1}{4}$  NE $\frac{1}{4}$  0.5 ACRE  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  27.7 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  6.8 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.3 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  18.0 ACRES  
SECTION 11

CERTIFICATE 25853

NE $\frac{1}{4}$  NW $\frac{1}{4}$  0.9 ACRE  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  9.2 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  16.4 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  14.0 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  2.2 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  9.8 ACRES  
SECTION 12

PERMIT 41360

NE $\frac{1}{4}$  SW $\frac{1}{4}$  0.7 ACRE  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  0.7 ACRE  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  1.9 ACRES  
SECTION 12

TOWNSHIP 13 SOUTH, RANGE 27 EAST, W.M.

THIS CHANGE TO 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 parts of these water rights.

Certificates 25853, 64186, and 57837 are cancelled. New certificates will be issued to confirm those portions of Certificates 25853 and 64186 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.

  
Paul R. Cleary, Director