

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING A CHANGE IN PLACE OF USE  
AND PARTIAL CANCELLATION OF A WATER RIGHT

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 8603 submitted by

NEIL J. BAUER  
HCR 1, BOX 115  
MT. VERNON, OREGON 97865.

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 25540. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1896.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 9.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED FROM APRIL 1 TO SEPTEMBER 30, FURTHER LIMITED TO ONE ACRE-FOOT PER ACRE PER CALENDER MONTH TO JULY 1 AND 3/4 ACRE-FOOT PER ACRE THEREAFTER; TOTAL FIVE ACRE-FEET PER ACRE FOR SEASON, measured at the point of diversion.

**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.

A description of the authorized place of use is as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  2.9 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  4.0 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  2.1 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

The right to the use of the water for the above purposes 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 second right proposed to be modified, as evidenced by a PORTION of Certificate 63763, was perfected under Permit 47938 with a date of priority of JULY 22, 1983. The right allows the use of the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 10.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.26 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 29, T 13 S, R 30 E, W.M.; 2150 FEET SOUTH AND 3000 FEET EAST FROM THE NW CORNER OF SECTION 29, or it's 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, shall be 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 per acre for each acre irrigated during the irrigation season of each year.

A description of the authorized place of use is as follows:

SE $\frac{1}{4}$  NE $\frac{1}{4}$  10.4 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

The right to the use of 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 third right proposed to be modified, as evidenced by a PORTION of Certificate 59986, was perfected under Permit 3163 with a date of priority of OCTOBER 23, 1916. The right allows the use of water from the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 1.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.02 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 29, T 13 S, R 30 E, W.M.; BLUE MOUNTAIN DITCH - 565 FEET NORTH AND 2320 FEET WEST FROM THE E $\frac{1}{4}$  CORNER OF SECTION 29, or the 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, shall be 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 1.0 acre-foot per acre for each acre irrigated during any month prior to July 1, and thereafter  $\frac{3}{4}$  of one acre-foot per acre for each acre irrigated and shall be further limited to a total diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

A description of the authorized place of use is as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  1.4 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

The right to the use of 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 fourth right proposed to be modified, as evidenced by a PORTION of Certificate 65852, was perfected under Permit 46253 with a date of priority of JULY 13, 1981. The right allows the use of water stored in the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION OF 1.4 ACRES. The amount of water to which this right is entitled is limited to not more than 0.02 CUBIC FOOT PER SECOND, , if available at the authorized point of diversion: SE¼ NE¼, SECTION 29, T 13 S, R 30 E, W.M.; 80 FEET NORTH AND 1310 FEET WEST FROM THE E¼ CORNER OF SECTION 29, or it's 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, shall be 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 per acre for each acre irrigated during the irrigation season of each year.

The right shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

A description of the authorized place of use is as follows:

SW¼ NE¼ 1.4 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

The right to the use of 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 25540

SE $\frac{1}{4}$  NE $\frac{1}{4}$  9.0 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

PERMIT 47938

NE $\frac{1}{4}$  NE $\frac{1}{4}$  2.9 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  4.0 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  1.4 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  2.1 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

PERMITS 3163 AND 46253

SE $\frac{1}{4}$  NE $\frac{1}{4}$  1.4 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

An affidavit was received from Neil Bauer, 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 cancelled.

The portion is described by Certificate 59986, State Record of Water Right Certificates. The date of priority is October 23, 1916. The water use was for irrigation of 5.10 acres from the John Day River, a tributary of the Columbia River. The amount used was 0.06 cubic foot per second.

The abandoned portion is located as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  1.0 ACRE  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  2.0 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  2.1 ACRES  
SECTION 30

TOWNSHIP 13 SOUTH, RANGE 30 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 cancelling the water right."

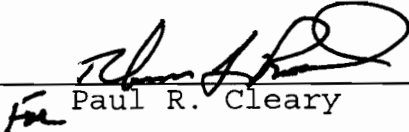
THIS CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. The former places of use shall no longer be irrigated as parts of these water rights.

The portion of the water right evidenced by Certificate 59986 requested to be cancelled is cancelled.

Certificates 25540, 63763, 59986, and 65852 are canceled. New certificates will be issued to confirm those portions of the 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 FEB 18 2003.

  
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Paul R. Cleary