

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING A CHANGE IN POINT OF DIVERSION  
AND CLARIFICATION OF CERTIFICATE 25554

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 7795 submitted by

RICHARD D. FIELD  
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PRAIRIE CITY, OREGON 97869.

The 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 25554 and Special Order Volume 12, Page 93. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1868.

The right allows the use of BRANCH OF JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 107.7 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

**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.

CUBIC FOOT PER SECOND (CFS) PER ACRE IRRIGATED TO JUNE 1 AND ONE-EIGHTIETH CFS PER ACRE THEREAFTER, FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE-FEET DURING SEASON APRIL 1 TO SEPTEMBER 30, if available at the authorized points of diversion: RICE DITCH - SE¼ NW¼, SECTION 22, T 3 S, R 34 E, W.M.; 1400 FEET SOUTH AND 1900 FEET EAST FROM THE NW CORNER, SECTION 22; UNNAMED DITCH - SE¼ SW¼, SECTION 16, T 13 S, R 34 E, W.M.; 1320 FEET NORTH AND 2200 FEET EAST FROM THE SW CORNER, SECTION 16, or its equivalent in case of rotation, measured at the points of diversion from the source.

The authorized place of use is located as follows:

RICE DITCH

NW¼ NW¼            14.7 ACRES  
SW¼ NW¼            16.6 ACRES  
SE¼ NW¼            20.4 ACRES

SECTION 16

NE¼ NE¼            6.0 ACRES

SECTION 17

TOWNSHIP 13 SOUTH, RANGE 34 EAST, W.M.

UNNAMED DITCH

SW¼ NW¼            18.5 ACRES  
SE¼ NW¼            16.3 ACRES  
NE¼ SW¼            12.3 ACRES  
NW¼ SW¼            2.9 ACRES

SECTION 16

TOWNSHIP 13 SOUTH, RANGE 34 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 points of diversion to:

NE¼ SW¼, SECTION 16, T 13 S, R 34 E, W.M.; 2930 FEET SOUTH AND 1390 FEET EAST FROM THE NW CORNER, SECTION 16.

Certificate 25554 issued to H.O. Meador allowed the use of the waters of a Branch of the John Day River for the purpose of irrigation. The rate and duty language described on the certificate incorrectly allowed the rate and duty limitations set for the tributaries of the John Day River.

The rate and duty for tributaries is defined as "the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30 measured at the point of diversion."

This order is to correctly describe the main John Day River above Picture Gorge rates and duties on the confirming and remaining right certificates. The correct rate and duty limitation allowed by the John Day Decree for a Branch of the John Day River should be defined as "a rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre-foot per acre during any calendar month prior to July 1st, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five acre-feet per acre."

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.

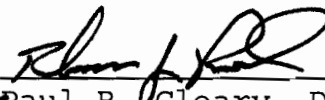
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device 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. When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 25554 is canceled. A new certificate will be issued to confirm and clarify the rate and duty limitation for 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           AUG 04 2003          .

  
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for Paul R. Cleary, Director