

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

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 7631 submitted by

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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 Certificate 57548. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1871.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 52.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.3 cubic feet per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 24, T 13 S, R 29 E, W.M.; 850 FEET NORTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 24; 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 irrigated FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO 1.0 ACRE-FOOT PER ACRE PER CALENDAR MONTH TO JULY 1 AND 0.75 ACRE-FOOT PER ACRE THEREAFTER; TOTAL 5.0 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.

The second right to be modified, as evidenced by Certificate 47511, was perfected under Permit 3751 with a date of priority of FEBRUARY 4, 1918. The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 60.0 ACRES. This right is limited to 0.75 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 24, T 13 S, R 29 E, W.M.; 850 FEET NORTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 24.

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 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 authorized place of use is located as follows:

	<u>CERTIFICATE 57548</u>	<u>PERMIT 3751</u>
SW¼ SW¼	25.0 ACRES	17.0 ACRES
SE¼ SW¼	13.0 ACRES	17.0 ACRES
	SECTION 24	
NE¼ NW¼	13.0 ACRES	26.0 ACRES
SE¼ NW¼	1.0 ACRE	
	SECTION 25	

TOWNSHIP 13 SOUTH, RANGE 29 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 AN ADDITIONAL POINT OF DIVERSION located:

SE¼ SW¼, SECTION 24, T 13 S, R 29 E, W.M.; 400 FEET NORTH AND 2200 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 24.

THE 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, 2003.
2. The quantity of water diverted at the new point of diversion, together with the quantity diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original point 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 shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor 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.

Certificates 47511 and 57548 are canceled. 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 NOV 16 2001.



Paul R. Cleary, Director