

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING A HISTORIC CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.532, after notice was given in the Water Resources Department weekly public notices dated October 12, 1999, and finding that: 1. The new point of diversion has been in use for 10 years, 2. The watermaster has received no claim of injury during the period that water has been diverted from the new point of diversion, 3. The Water Resources Department has not identified any potentially affected water right holders, and 4. No injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8343 submitted by

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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 51854. 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 REYNOLDS CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.21 CUBIC FEET PER SECOND (CFS) TO JUNE 1 AND 0.60 CFS THEREAFTER DURING THE PERIOD APRIL 1 TO SEPTEMBER 30, if available at the authorized point of diversion: SW¼ NE¼, SECTION 26, T 13 S, R 34 E, W.M., or its equivalent in case of rotation, measured at the point of

**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.

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, to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per calendar month to June 1 and 4.0 acre-feet per acre during the season April 1 to September 30, measured at the point of diversion.

The authorized place of use is located as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$  4.8 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  12.1 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  20.8 ACRES  
SECTION 22

SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.2 ACRE  
SECTION 23

NW $\frac{1}{4}$  NW $\frac{1}{4}$  6.0 ACRES  
SECTION 26

NE $\frac{1}{4}$  NE $\frac{1}{4}$  4.6 ACRES  
SECTION 27

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.

Prior to 10 years ago, the point of diversion was changed to:

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SECTION 26, T 13 S, R 34 E, W.M.; 1320 FEET NORTH AND 1575 FEET EAST FROM THE WEST QUARTER CORNER OF SECTION 26.

THIS CHANGE TO AN EXISTING WATER RIGHT WILL BE CONFIRMED PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:


1. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
2. 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.
3. 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 the accuracy of the measuring device, as needed.
4. 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 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 51854 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. A new certificate confirming the change to the water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed NOV 16 2001.

  
Paul R. Cleary, Director