

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING A CHANGE IN POINT OF DIVERSION
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 8832 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 25831. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1870.

The right allows the use of JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 54.0 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

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.

calendar month to July 1 and 3/4 acre-foot per acre thereafter, 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, if available at the authorized point of diversion: SNYDER DITCH, SE¼ SE¼, SECTION 6, T 13 S, R 27 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE¼ SW¼	5.6 ACRES
NW¼ SW¼	15.1 ACRES
SW¼ SW¼	7.7 ACRES
SE¼ SW¼	23.4 ACRES

SECTION 36

TOWNSHIP 12 SOUTH, RANGE 26 EAST, W.M.

NE¼ NW¼	2.2 ACRES
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SECTION 1

TOWNSHIP 13 SOUTH, RANGE 26 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 SECOND right to be modified, as evidenced by a PORTION of Certificate 412, was perfected under Permit 194 with a date of priority of January 31, 1910.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 8.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not 0.11 exceed cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 1, T 13 S, R 26 E, WM, 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-EIGHTIETH of one cubic foot per second per acre or its equivalent 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:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.2 ACRES

SECTION 36

TOWNSHIP 12 SOUTH, RANGE 26 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 applicant proposes to change the point of diversion to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T 13, S, R 26 E, W.M.; 400 FEET SOUTH AND 50 FEET WEST OF THE S $\frac{1}{4}$ CORNER OF SECTION 36.

PARTIAL CANCELLATION OF THE RIGHT EVIDENCED BY CERTIFICATE 412

The applicants submitted an affidavit that they are the owners of certain land in which the water right appurtenant to it. The affidavit further states the water right has been abandoned and authorizes the cancellation of a portion of water right certificate 412.

The abandoned portion of the water right is described by Certificate 412, State Record of Water Right Certificates. The abandoned water is for the use of 0.64 cubic foot per second for the irrigation of 51.1 acres from the John Day River. The date of priority is January 31, 1910.

The abandoned portion of the water right is described as follows:

NE¹/₄ SW¹/₄ 2.7 ACRES

NW¹/₄ SW¹/₄ 15.1 ACRES

SW¹/₄ SW¹/₄ 7.7 ACRES

SE¹/₄ SW¹/₄ 23.4 ACRES

SECTION 36

TOWNSHIP 12 SOUTH, RANGE 26 EAST, WM

NE¹/₄ NW¹/₄ 2.2 ACRES

SECTION 1

TOWNSHIP 13 SOUTH, RANGE 26 EAST, WM

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 canceling the water right."

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

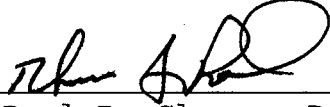
1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain 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 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.

Certificates 25831 and 412 are cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer and cancellation order. 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 AUG 12 2003 .



Paul R. Cleary, Director