

STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A CHANGE IN CHARACTER OF USE  
AND PLACE OF USE

Pursuant to ORS 540.510 to 540.531, 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 9384 submitted by

FARMERS IRRIGATION DISTRICT  
1985 COUNTRY CLUB ROAD  
HOOD RIVER, OREGON, 97031.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Hood River County, as evidenced by a portion of Certificate 74306. The decree is recorded in the Order Record of the Water Resources Director in Volume 17, at Page 333. The date of priority is MAY 7, 1906. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.0175 CUBIC FOOT PER SECOND, if available at the point of diversion from the source: NW¼ SW¼, SECTION 31, T 2 N, R 10 E, W.M.; 2250 FEET NORTH AND 470 FEET EAST FROM THE SW CORNER, SECTION 31, or its equivalent in case of rotation, measured at the point of diversion from the source.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW¼ NW¼ TAX LOT 1500 1.4 ACRES  
SECTION 34  
TOWNSHIP 3 NORTH, RANGE 10 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.

The applicant proposes to change the place of use of 0.4 acres to:

NW¼ NW¼ 0.4 ACRE  
SECTION 34  
TOWNSHIP 3 NORTH, RANGE 10 EAST, W.M.

This is a final order in other than 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 applicant also proposes to change the character of use of 1.0 acres to:

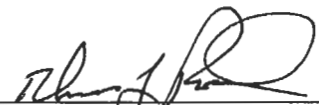
MAINTENANCE OF A WETLAND  
NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
SECTION 34  
TOWNSHIP 3 NORTH, RANGE 10 EAST, W.M.

The amount of water authorized for maintenance of a wetland shall be limited to 0.0125 cubic foot per second (5.6 gallons per minute).

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, 2005.
2. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by FARMERS IRRIGATION DISTRICT, on or before October 1, 2006.
3. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The former use shall no longer receive water under the original authorized use of this water right.
5. Except as modified herein, all other conditions and limitations of the Hood River Decree remain in effect.
6. When the Director determines that it is necessary, or to facilitate records keeping, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

Dated at Salem, Oregon this 26<sup>th</sup> day of May, 2004.

  
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Paul R. Cleary  
Director

Mailing date:           MAY 28 2004