

STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN 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 7598 submitted by

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

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for HOOD RIVER County as evidenced by Certificate 46954. The decree is recorded in the Order Record of the Water Resources Director in Volume 17, at Page 333. The date of priority is 1874, DECEMBER 19, 1892, AND OCTOBER 6, 1902.

The right allows the use of DITCH CREEK AND DEAD POINT CREEK, tributaries of HOOD RIVER, for IRRIGATION OF 20.0 ACRES THROUGH THE HIGH LINE CANAL. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 CUBIC FOOT PER SECOND (CFS), BEING 0.04 CFS FROM DITCH CREEK WITH A PRIORITY OF 1874, 0.13 CFS FROM DEAD POINT CREEK WITH A PRIORITY OF DECEMBER 19, 1892, AND 0.08 CFS FROM DEAD POINT CREEK WITH A PRIORITY OF OCTOBER 6, 1902, if

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-005, you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the time specified by ORS 183.484(2).

available at the authorized points of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 27, AND NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T 2 N, R 9 E, W.M.; DITCH CREEK - 1740 FEET NORTH AND 330 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 24, DEAD POINT CREEK - 5110 FEET NORTH AND 1060 FEET WEST, 4700 FEET NORTH AND 2820 FEET WEST, BOTH FROM THE SE CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for HOOD RIVER County as evidenced by Certificate 46956. The decree is recorded in the Order Record of the Water Resources Director in Volume 17, at Page 333. The date of priority is 1891 - DITCH CREEK AND PARKER SPRINGS, AND 1899 - NORTH FORK GREEN CREEK AND SPRING AT CAMP NO. 4.

The right allows the use of DITCH CREEK AND PARKER SPRINGS, NORTH FORK GREEN POINT CREEK AND SPRING AT CAMP NO. 4, tributaries of HOOD RIVER, for PRIMARY IRRIGATION OF 1.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.0 ACRES THROUGH THE GREEN POINT CANAL. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.053 CUBIC FOOT PER SECOND (CFS), BEING 0.011 CFS FROM DITCH CREEK AND PARKER SPRINGS AND 0.042 CFS FROM NORTH FORK GREEN CREEK AND SPRING AT CAMP NO. 4, if available at the authorized points of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, LOT 7 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32, T 2 N, R 9 E, W.M.; DITCH CREEK - 1820 FEET SOUTH AND 1270 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 14, PARKER SPRINGS - 1760 FEET NORTH AND 1480 FEET EAST FROM THE SW CORNER OF SECTION 14, NORTH FORK GREEN CREEK - 6940 FEET NORTH AND 14820 FEET WEST, 6820 FEET NORTH AND 14720 FEET WEST, SPRING AT CAMP NO. 4 - 4400 FEET NORTH AND 8100 FEET WEST, ALL THREE FROM THE SE CORNER OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T 2 N, R 9 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

These rights are subject to the provisions of Finding No. 15 which provides that the total quantity diverted from all sources at any one time under the rights established for the Hood River Irrigation District (Upper District) (original Certificates 46954

The applicant proposes to change the place of use to:

PRIMARY ABOVE LOW LINE CANAL

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.3 ACRES
SECTION 17

PRIMARY AND SUPPLEMENTAL

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.5 ACRES
SECTION 17

TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

The applicant proposes to change the points of diversion to:

CERTIFICATE 46954

DEAD POINT CREEK POINTS OF DIVERSION ONLY

LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 2, T 1 N, R 9 E, W.M.; DEAD POINT CREEK DIVERSION POINT - 150 FEET SOUTH AND 1200 FEET EAST FROM THE NW CORNER, SECTION 2.

CERTIFICATE 46956

DITCH CREEK AND SPRING AT CAMP NO. 4 POINTS OF DIVERSION ONLY

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32, T 2 N, R 9 E, WM; DITCH CREEK - 1900 FEET SOUTH AND 1080 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 14; SPRING AT CAMP NO. 4 - 170 FEET SOUTH AND 800 FEET EAST FROM THE N $\frac{1}{4}$ CORNER, SECTION 32.

and 46956) shall not exceed the total of the sum of primary irrigation acres multiplied by ONE-EIGHTIETH cubic foot per second per acre (31.62 cubic feet per second for 2529.4 acres).

The authorized place of use is located as follows:

CERTIFICATE 46954
PRIMARY

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.5 ACRES
SECTION 17

TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

CERTIFICATE 46956
PRIMARY ABOVE LOW LINE CANAL

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.3 ACRES
SECTION 17

SUPPLEMENTAL TO HIGH LINE CANAL

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.5 ACRES
SECTION 17

TOWNSHIP 2 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 and is subject to all other conditions and limitations contained in the decree.

The receiving landowners are:

Dick and Joyce Kobayashi
5591 Binns Hill Road
Hood River, Oregon 97031

Martin and Pamela Vandenburg
2451 Kingsley Road
Hood River, Oregon 97031

The remainder of these rights are described in Special Order Volume 51, Page 860, said order issued in accordance with ORS 541.329.

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

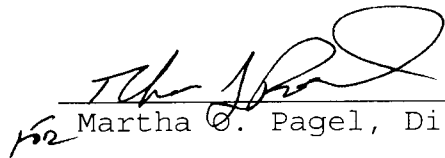
1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When 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 or irrigation district 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 sources as the original points of diversion.
6. The former place of use shall no longer be irrigated as a part of these water rights.

Certificates 46954 and 46956 are cancelled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed NOV 30 1999.



Martha O. Pagel, Director