

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.705, 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 9288 submitted by

GEORGE HARTH 1988 TRUST
C/O NEAL HARTH, TRUSTEE
5820 EMERSON LOOP ROAD.
THE DALLES, OREGON 97058

The right to be modified, as evidenced by a PORTION of Certificate 51702, was perfected under Permit G-7258 with a date of priority of JULY 16, 1976. The right allows the use of HARTH WELL #2, within the FIFTEENMILE CREEK BASIN, for IRRIGATION OF 13.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the original well; NE¼ SW¼, SECTION 26, T 1 N, R 14 E, W.M.; 1620 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER, SECTION 26, or its equivalent in case of rotation, measured at the well.

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 amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre 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 as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.6 ACRES
SECTION 26
TOWNSHIP 1 NORTH, RANGE 14 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 to:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0 ACRES
SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.1 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.2 ACRES
SECTION 35
TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

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, 2004.

2. 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.
3. The former place of use shall no longer be irrigated as part of this water right.

Certificate 51702 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAR 06 2003.


Paul R. Cleary, Director