

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING A CHANGE IN PLACE OF USE

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 7491 submitted by

MIKE FILBIN
61906 DUFUR GAP ROAD
DUFUR, OREGON 97021.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WASCO County as evidenced by a PORTION of Certificate 77326. The decree is recorded in the Order Record of the Water Resources Director in Volume 14 & 18, at Pages 398 & 252 respectively. The date of priority is JULY 1, 1903, for DIRECT FLOW FROM CLEAR CREEK AND FROG CREEK, and AUGUST 19, 1904, FOR STORAGE IN CLEAR LAKE RESERVOIR.

The right allows the use of DIRECT FLOW FROM CLEAR CREEK and FROG CREEK, and STORAGE IN CLEAR LAKE RESERVOIR, tributaries of WHITE RIVER, for IRRIGATION OF 8.5 ACRES AND STOCK.

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 to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE ACRE FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1ST OF EACH YEAR AND NOT TO EXCEED 3.0 ACRE FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, THAT THE RATE OF FLOW SHALL NOT EXCEED 1/40 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1ST OF EACH YEAR AND THEREAFTER NOT TO EXCEED 1/80 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION, if available at the authorized points of diversion: NE¼ NE¼, SECTION 34, T 4 S, R 9 E, W.M. FROM FROG CREEK; NW¼ SE¼, SECTION 10, T 5 S, R 9 E, W.M. FROM CLEAR CREEK; CLEAR LAKE RESERVOIR DAM IS IN THE SE¼ SE¼, SECTION 32, T 4 S, R 9 E, W.M.

The authorized place of use is located as follows:

NW¼ NE¼ 8.50 ACRES
SECTION 32
TOWNSHIP 5 SOUTH, RANGE 12 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 77733, was perfected under Permit 25275 with a date of priority of NOVEMBER 11, 1915. The right allows the use of the waters of CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, a tributary of the WHITE RIVER, for SUPPLEMENTAL 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 exceed 4.2 ACRE-FEET FOR EACH ACRE IRRIGATED OR ACRE EQUIVALENT DURING THE IRRIGATION SEASON OR EACH YEAR, if available at the authorized point of diversion: SE¼ SE¼, SECTION 32, T 4 S, R 9 E, W.M.; 1390 FEET SOUTH AND 480 FEET WEST FROM E¼ CORNER, SECTION 32.

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

The authorized place of use is located as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.50 ACRES
SECTION 32
TOWNSHIP 5 SOUTH, RANGE 12 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 PLACE OF USE to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.50 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.00 ACRES
SECTION 29
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

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

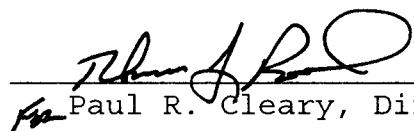
1. The proposed change shall be completed on or before October 1, 2004.
2. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
3. The former place of use shall no longer be irrigated as a part of this water right.

4. Except as modified herein, all other conditions and restrictions on Certificates 77326 and 76969 remain in effect.

When the Director determines that it is necessary, or to facilitate records keeping, new certificates 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.

WITNESS the signature of the Water Resources

Director, affixed DEC 16 2002.



For Paul R. Cleary, Director