

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN PLACE OF USE AND POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and objections being resolved, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6739 submitted by

GEORGE D. DAWSON
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The right to be modified, as evidenced by a PORTION of Certificate 19845, was perfected under Permit 17281 with a date of priority of SEPTEMBER 18, 1946. The right allows the use of MITCHELL CREEK (aka ASH CREEK), a tributary of COW CREEK, for IRRIGATION OF 5.0 ACRES AND STOCK. This right is limited to 0.075 cubic foot per second, being ~~0.70~~ cfs for irrigation and 0.005 cfs for stock, if available at the authorized point of diversion: W $\frac{1}{2}$, SECTION 31, T 30 S, R 5 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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The amount of water used for irrigation under this right is limited to a diversion of ONE-SEVENTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season from April 1st to October 1st 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 $\frac{1}{4}$ 2.0 ACRES AND STOCK
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0 ACRES
SECTION 31
TOWNSHIP 30 SOUTH, RANGE 5 WEST, 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:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES AND STOCK
SECTION 31
TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the point of diversion to:


SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 31, T 30 S, R 5 W, W.M.; 1260 FEET NORTH AND 410 FEET EAST FROM THE CENTER $\frac{1}{4}$ CORNER OF SECTION 31.

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, 1994.
2. The use of water under this and the remainder of the water right described in Certificate 19854 shall be subject to the conditions of a stipulated agreement referenced in the order of the Hearings Referee entered April 8, 1993 in the Special Order Records at Volume 47, Page 194, and by reference made a part herein.
3. The following conditions shall be included on all subsequent water right certificates describing these water rights:
 - a. Any water appropriated shall require a system using a headgate (or pump) and a measuring device at each point of diversion.
 - b. Any water appropriated shall be run through pipes or other enclosed devices and not open ditches to the point of use, beginning with the 1994 irrigation season.
 - c. No water shall be appropriated by use of a dam across Mitchell Creek aka Ash Creek. The user of water may use a device which partially diverts Ash Creek, but shall not construct, nor make use of, nor allow a dam across the full width of Ash Creek.
4. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 19854 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer, and to include the conditions of the stipulated agreement referenced above. 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 *May 19*, 1993.



Martha O. Pagel

Recorded in Special Order Records at Volume 47, Page 226.