

STATE OF OREGON

COUNTY OF GRANT

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 no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7138 submitted by

MAX AND IRENE FERGUSON  
P.O. BOX 27  
MOUNT VERNON, OREGON 97865.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by a PORTION of Certificate 39362. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1887.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 1.0 ACRE. The amount of water to which this right is entitled is limited to an amount beneficially used and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter, if available at the authorized point of diversion: NW¼ NE¼, SECTION 27, T 13 S, R 29 E, WM; 50 FEET SOUTH AND 3380 FEET EAST FROM THE NW CORNER, SECTION 27, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SW¼ NW¼            1.0 ACRE  
                    SECTION 20  
TOWNSHIP 13 SOUTH, RANGE 29 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 applicant proposes to change the place of use of 0.1 acre from south of the county road to north of the county road, both within the SW¼ NW¼, SECTION 20.

The applicant also proposes to change the point of diversion to:

SW¼ NW¼, SECTION 20, T 13 S, R 29 E, WM; 650 FEET NORTH AND 510 FEET EAST FROM THE W¼ CORNER, SECTION 29.

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, 1996.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point 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. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 39362 is cancelled. 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 August 9, 1995.

  
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Martha O. Pagel, Director