

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING A CHANGE IN PLACE OF USE,
POINT OF DIVERSION, AND ADD AN ADDITIONAL 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 9472 submitted by

VIC PIKE
27658 BLUE HERON ROAD
JOHN DAY, OREGON 97845.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 52529. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1870.

The right allows the use of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 8.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH of one cubic foot per second per acre 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; total five acre-feet per acre for season, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 21, T 13 S, R 31 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 authorized place of use is located as follows:

NW¼ SW¼ 0.6 ACRE
SW¼ SW¼ 8.3 ACRES
SECTION 19
TOWNSHIP 13 SOUTH, RANGE 31 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 to:

NW¼ SW¼ 6.3 ACRES
SW¼ SW¼ 2.6 ACRES
SECTION 19
TOWNSHIP 13 SOUTH, RANGE 31 EAST, W.M.

The applicant also proposes to add an additional point of diversion to:

SW¼ SW¼, SECTION 19, T 13 S, R 31 E, W.M.; 780 FEET NORTH AND 1010 FEET EAST FROM THE SW CORNER, SECTION 19.

The SECOND 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 50367. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1876.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 3.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH of one cubic foot per second per acre 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; total five acre-feet per acre for season, if available at the authorized point of diversion: ENTERPRISE DITCH - NW¼ SW¼, SECTION 20, T 13 S, R 31

E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.3 ACRES
SECTION 19
TOWNSHIP 13 SOUTH, RANGE 31 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 to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.3 ACRES
SECTION 19
TOWNSHIP 13 SOUTH, RANGE 31 EAST, W.M.

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 19, T 13 S, R 31 E, W.M.; 780 FEET NORTH AND 1010 FEET EAST FROM THE SW CORNER, SECTION 19.

The THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 25455. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1863.

The right allows the use of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 104.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH of one cubic foot per second per acre 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; total five acre-feet per acre for season, if available at the authorized point of diversion: LAYCOCK LONG DITCH - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 21, T 13 S, R 31

E, W.M.; LAYCOCK SHORT DITCH - SE¼ SW¼, SECTION 19, T 13 S, R 31 E, W.M., or its equivalent in case of rotation, measured at the point of diversions from the source.

The authorized place of use is located as follows:

SW¼ SE¼ 24.7 ACRES
SE¼ SE¼ 36.0 ACRES
SECTION 24

NE¼ NE¼ 20.0 ACRES
NW¼ NE¼ 23.9 ACRES
SECTION 25

TOWNSHIP 13 SOUTH, RANGE 30 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/add an additional point of diversion to:

POD #1 - NW¼ NE¼, SECTION 25, T 13 S, R 30 E, W.M.; 920 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER, SECTION 25.

POD #2 - SW¼ SW¼, SECTION 19, T 13 S, R 31 E, W.M.; 780 FEET NORTH AND 1010 FEET EAST FROM THE SW CORNER, SECTION 19.

POD #1

SW¼ SE¼ 23.6 ACRES
SE¼ SE¼ 17.1 ACRES
SECTION 24

NW¼ NE¼ 20.4 ACRES
NE¼ NE¼ 8.4 ACRES
SECTION 25

TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

POD #2

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.9 ACRES
SECTION 24

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.5 ACRES
SECTION 25

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.8 ACRES
SECTION 19

TOWNSHIP 13 SOUTH, RANGE 31 EAST, W.M.

The FOURTH right to be modified, as evidenced by a portion of Certificate 21407, was perfected under Permit 19367 with a date of priority of MAY 15, 1950. The right allows the use of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 18.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.47 cubic foot per second, if available at the authorized point of diversion: LAYCOCK LONG DITCH - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 21, T 13 S, R 31 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH 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 5.0 acre-feet 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 located as follows:

LOT 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) 18.5 ACRES
LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 0.3 ACRE

SECTION 19
TOWNSHIP 13 SOUTH, RANGE 31 EAST, W.M.

LAND ON WHICH WATER IS TO BE USED IS A PART OF THAT DESCRIBED AS FOLLOWS: THAT PART OF S 3/4 NW¼ SW¼ AND SW¼ SW¼ LYING NORTH OF THE LAYCOCK LONG DITCH, AS PRESENTLY LOCATED, ALL SITUATED IN SECTION 19, T 13 S, R 31 E, 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:

SE¼ SE¼ 9.0 ACRES
SECTION 24
TOWNSHIP 13 SOUTH, RANGE 30 EAST, W.M.

NW¼ SW¼ 0.6 ACRE
SW¼ SW¼ 9.2 ACRES
SECTION 19
TOWNSHIP 13 SOUTH, RANGE 31 EAST, W.M.

The applicant proposes to add an additional point of diversion to:

SW¼ SW¼, SECTION 19, T 13 S, R 31 E, W.M.; 780 FEET NORTH AND 1010 FEET EAST FROM THE SW CORNER, SECTION 19.

THESE CHANGES 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, 2005.
2. The quantity of water diverted at the new point of diversions, together with that diverted at the old point of diversions, shall not exceed the quantity of water lawfully available at the original point of diversions.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter,

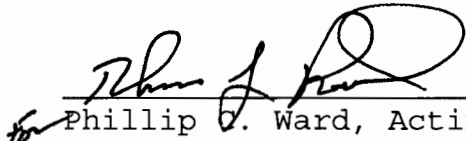
weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

4. When required by the Department, the water user shall operate the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The former place of use shall no longer be irrigated as a part of this water right.
7. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 52529, 50367, 25455, and 21407 are cancelled. A new certificate will be issued describing that portion of water right certificate 50367 NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificates confirming the changes proposed to these water rights will be issued.

WITNESS the signature of the Water Resources
Director, affixed August 9, 2004.


for Phillip V. Ward, Acting Director