

STATE OF OREGON

COUNTY OF JEFFERSON

ORDER APPROVING CHANGES IN PLACE OF USE,
POINTS OF DIVERSION AND ADDITIONAL POINTS 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 6851 submitted by

CHARLES D. JOHNSON
GATEWAY STAR ROUTE BOX 465
MADRAS, OREGON 97741.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JEFFERSON County as evidenced by a portion of Certificate 2227. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 57. The date of priority is 1880.

The right allows the use of TROUT CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 22.02 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.5 ACRE FEET PER ACRE DURING ANY PERIOD OF 30 DAYS OR 6 ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON, AND SHALL BE SUBJECT TO ALL OTHER CONDITIONS AND LIMITATIONS IN THE DECREE, if available at the authorized points of diversion: GARETT, EAST BOLTER, AND WEST BOLTER DITCHES, 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:

	<u>TRACT 2</u>	<u>TRACT 3</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.70 ACRES	7.75 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.22 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$		6.35 ACRES

SECTION 4
TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JEFFERSON County as evidenced by a portion of Certificate 2231. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 57. The dates of priority are 1885 and 1886.

The right allows the use of TROUT CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 89.26 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.5 ACRE FEET PER ACRE DURING ANY PERIOD OF 30 DAYS OR 6 ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON, AND SHALL BE SUBJECT TO ALL OTHER CONDITIONS AND LIMITATIONS IN THE DECREE, if available at the authorized points of diversion: HEALEY AND COMPANY DITCHES, 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:

	<u>TRACT 1</u>	<u>TRACT 2</u>
NW¼ NW¼	19.60 ACRES	
SW¼ NW¼	19.81 ACRES	11.60 ACRES
SE¼ NW¼		3.50 ACRES
NW¼ SW¼		34.75 ACRES
SECTION 3		
TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.		

The third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JEFFERSON County as evidence by a portion of Certificate 2257. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 57. The date of priority is 1880.

The right allows the use of TROUT CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 25.08 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.5 ACRE FEET PER ACRE DURING ANY PERIOD OF 30 DAYS OR 6 ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON, AND SHALL BE SUBJECT TO ALL OTHER CONDITIONS AND LIMITATIONS IN THE DECREE, if available at the authorized point of diversion: WEST BOLTER DITCH, 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:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.68 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 12.40 ACRES

SECTION 4

TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

The fourth right to be modified, as evidenced by a portion of Certificate 50908, was perfected under Permit 2716 with a date of priority of NOVEMBER 12, 1915. The right allows the use of TROUT CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 33.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.42 cubic foot per second, if available at the authorized point of diversion: CRAM DITCH, 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 an other right existing for the same lands, shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 23.60 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.10 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.10 ACRE

SECTION 3

TOWNSHIP 9 SOUTH, RANGE 15 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 or add the following points of diversion to these rights:

1 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 3, T 9 S, R 15 E, WM; SCHULTZ DITCH (EAST BOLTER DITCH) - 156 FEET SOUTH AND 2249 FEET EAST FROM THE NW CORNER, SECTION 3;

2 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 3, T 9 S, R 15 E, WM; BOLTER DITCH (WEST BOLTER DITCH or COMPANY DITCH) - 465 FEET SOUTH AND 2153 FEET EAST FROM THE NW CORNER, SECTION 3;

4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T 9 S, R 15 E, WM; PUMP - 5221 FEET SOUTH AND 1668 FEET WEST FROM THE NW CORNER, SECTION 3;

5 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T 9 S, R 15 E, WM; CRAM DITCH - 311 FEET SOUTH AND 2913 FEET EAST FROM THE NE CORNER, SECTION 3;

6 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 3, T 9 S, R 15 E, WM; PUMP - 1440 FEET SOUTH AND 1165 FEET EAST FROM THE NW CORNER, SECTION 3.

The applicant proposes to irrigate the following lands, from the indicated diversion points:

CERTIFICATE 2227

	DIVERSION 1	DIVERSION 2	DIVERSION 1 & 4
NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.91 ACRES		
SE $\frac{1}{4}$ SW $\frac{1}{4}$			0.53 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.25 ACRES		
SW $\frac{1}{4}$ SE $\frac{1}{4}$			4.46 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		5.87 ACRES	
		SECTION 3 4	

CERTIFICATE 2231

	PRIORITY 1885	PRIORITY 1886	PRIORITY 1886
	DIVERSION 1	DIVERSION 2	DIVERSION 2 & 6
NW $\frac{1}{4}$ NW $\frac{1}{4}$	14.12 ACRES		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.56 ACRES	3.61 ACRES	2.74 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$			2.59 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		33.79 ACRES	
		SECTION 3	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.73 ACRES	7.12 ACRES	
		SECTION 4	

CERTIFICATE 2257

	DIVERSION 1	DIVERSION 2
NE¼ NE¼	5.35 ACRES	
SE¼ NE¼	10.24 ACRES	
NE¼ SE¼	5.70 ACRES	3.79 ACRES
	SECTION 4	

CERTIFICATE 50908

	DIVERSION 1	DIVERSION 5 & 6
SE¼ NW¼		23.60 ACRES
NE¼ SW¼		7.58 ACRES
	SECTION 3	
NE¼ NE¼	0.68 ACRE	
SE¼ NE¼	1.94 ACRES	
	SECTION 4	

ALL IN TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

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

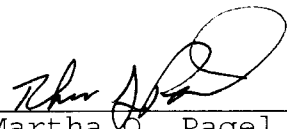
1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.

5. The former places of use shall no longer be irrigated as a part of these water rights.
6. The water user shall install and maintain fish screens or fish by-pass devices. The types and plans of the screens or by-pass devices 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 2227, 2231, 2257, and 50908 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources
Director, affixed **JAN 19 1999** .



for Martha O. Pagel, Director