

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING CHANGES IN PLACE OF USE,  
POINT OF DIVERSION, COMBINING WATER RIGHTS  
AND DIMINISHING A WATER RIGHT

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 6677 submitted by

BENJAMIN H. SYNON and SHIRLEY MAE SYNON LIVING TRUSTS  
5020 MILL CREEK ROAD WEST  
THE DALLES, OREGON 97058.

The right to be modified, as evidenced by a portion of Certificate 19586, was perfected under Permit 16727 with a date of priority of DECEMBER 20, 1945. The right allows the use of MILL CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION of 15.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 cubic foot per second, if available at the authorized point of diversion: NW¼ NE¼, SECTION 18, T 1 N, R 13 E, WM, 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, is limited to ONE-SIXTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season from April 1 to October 1 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:

	<u>POU</u>	<u>DIMINISH</u>
NW $\frac{1}{4}$ NE $\frac{1}{4}$		7.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 ACRES	
	SECTION 18	
	TOWNSHIP 1 NORTH, RANGE 13 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 applicants propose to change the place of use of 6.5 acres, being 0.076 cfs, to:

	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.8 ACRES
LOT 2	(SE $\frac{1}{4}$ NW $\frac{1}{4}$ )	0.7 ACRE
	SECTION 18	
	TOWNSHIP 1 NORTH, RANGE 13 EAST, W.M.	

The applicants propose, for the remaining 1.5 acres, being 0.57 cfs, to change the place of use and combine the water right with the water right, perfected under Permit 28315, evidenced by Certificate 31822, and irrigate the following lands:

	NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.5 ACRES
LOT 2	(SE $\frac{1}{4}$ NW $\frac{1}{4}$ )	1.6 ACRES
	SECTION 18	
	TOWNSHIP 1 NORTH, RANGE 13 EAST, W.M.	

The applicants propose to change the points of diversion to:

LOT 2 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 18, T 1 N, R 13 E, WM; (FOR TL 1000) 1600 FEET SOUTH AND 190 FEET WEST, (FOR TL 1700) 1680 FEET SOUTH AND 300 FEET WEST, BOTH FROM THE N $\frac{1}{4}$  CORNER, SECTION 18.

The applicants, in accordance with OAR 690-330-040(2), have submitted an affidavit requesting to diminish a portion of this water right, evidenced by Certificate 19586 to SUPPLEMENTAL IRRIGATION. The portion of the right to be diminished is for the use of 0.117 cubic foot per second of water from Mill Creek, with priority date of December 20, 1945, for irrigation of 7.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 18, Township 1 North, Range 13 East, W.M.

The applicants have agreed the change is permanent and the right shall not be changed to primary in the future.

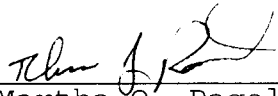
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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 point of diversion, shall not exceed the quantity of water lawfully available at the original point 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. The portion of the right involved in this transfer, perfected under Permit 16727, requested to change the place of use, shall be combined with the portion of the water right perfected under Permit 28315, evidenced by Certificate 31822, appurtenant to the same lands. The water rights perfected under Permit 16727 and Permit 28315 shall not be separated in the future.
5. The total quantity of water diverted under this right and the portion of the right, perfected under Permit 28315, evidence by Certificate 31822 appurtenant to these lands shall be limited to the amount actually beneficially used and shall not exceed 0.273 cubic foot per second, being 0.133 cfs with priority December 20, 1945, and 0.144 cfs with priority August 21, 1962, and shall be further limited to a diversion not to exceed 24.0 acre feet with priority December 20, 1945, and 51.3 acre feet with priority August 21, 1962, provided the total quantity diverted under both rights shall not exceed 70.8 acre feet during the irrigation season, April 1 to October 1, of each year.
6. Water shall be acquired from the same surface water source as the original point of diversion.

7. The former place of use shall no longer be irrigated as a part of this water right.

The portion of the water right requested to be diminished is diminished. Certificate 19586 is canceled. When satisfactory proof of the completed changes is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources  
Director, affixed MAR - 4 1999.

  
For Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.