

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING CHANGES IN PLACE OF USE
DIMINISHING A WATER RIGHT
AND CANCELING A PORTION OF 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 7938 submitted by

JOHN M. MILLER
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COVE, OR 97824.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by a PORTION of Certificate 385. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 207. The date of priority is 1868.

The right allows the use of MILL CREEK, a tributary of CATHERINE CREEK AND THE GRANDE RONDE RIVER, for IRRIGATION FROM MAY 1ST TO OCTOBER 1ST OF EACH YEAR. This right is limited to 0.19 cubic foot per second, if available at the authorized point of diversion: (SELDER-WRIGHT DITCH) SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T 3 S, R 40 E, WM, 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 $\frac{1}{4}$ NW $\frac{1}{4}$ 12.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 acres

SECTION 23
Township 3 South, Range 40 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 second right to be modified, as evidenced by a portion of Certificate 42768, was perfected under Permit 31925 with a date of priority of AUGUST 31, 1966. The right allows the use of MILL CREEK, a tributary of GRANDE RONDE RIVER, for SUPPLEMENTAL IRRIGATION. The amount of water to which this right is

entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the authorized point of diversion: SW¼ SW¼, SECTION 24, T 3 S, R 40 E, WM; 180 FEET NORTH AND 560 FEET EAST FROM SW CORNER, SECTION 24, 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-EIGHTIETH 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 3 acre-feet for each acre irrigated during the irrigation season of each year; provided further that the right shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall be limited to the period between September 1 and April 30 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:

SE¼ NW¼ 12.0 acres NE¼ SW¼ 3.0 acres
SECTION 23
Township 3 South, Range 40 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 third right to be modified, as evidenced by a portion of Certificate 65902, was perfected under Permit 47834 with a date of priority of MAY 27, 1983. The right allows the use of AN UNNAMED STREAM, a tributary of MILL CREEK, 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 0.20 cubic foot per second, if available at the authorized point of diversion: SE¼ NE¼, SECTION 22, T 3 S, R 40 E, WM; 2920 FEET NORTH AND 730 FEET WEST FROM THE SE CORNER OF SECTION 22, 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-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 3.0 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:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.5 acres
SECTION 23
TOWNSHIP 3 SOUTH, RANGE 40 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 applicant proposes to change the place of use of the first and second rights above described to:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.5 acres
SECTION 23
TOWNSHIP 3 SOUTH, RANGE 40 EAST, W.M.

The applicant further proposes to diminish the third right above described to SUPPLEMENTAL IRRIGATION.

An affidavit was received from Lester F. Miller and Everdine H. Miller, Trustees of the Lester F. Miller Living Trust, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 65902, State Record of Water Right Certificates. The abandoned water right is for the use of 0.01 cubic foot per second from AN UNNAMED STREAM, a tributary of MILL CREEK. The date of priority is MAY 27, 1983. The abandoned water right is for IRRIGATION of 0.6 acres. A description of the place of use of the abandoned right is as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 ACRES NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.4 ACRES
SECTION 23
TOWNSHIP 3 SOUTH, RANGE 40 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

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, 1999.
2. The former place of use shall no longer be irrigated as a part of these water rights.

The portion of the water right described herein requested to be canceled is canceled. Certificates 385, 42768, and 65902 are canceled. New certificates will be issued to confirm that portion of the rights NOT involved in this transfer. When satisfactory proof of the completed changes is received, New certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,
affixed 4/13/98.



Martha O. Pagel Director