

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING CHANGES IN USE, PLACES OF USE, AND 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 6710 submitted by

NEAL AND ANNA DOW
36500 RIVER ROAD
SOLEDAD, CALIFORNIA 93960.

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 a PORTION of Certificate 25642. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1868.

The right allows the use of DISSEL CREEK, JOHN DAY RIVER, AND SPRINGS IN THE N $\frac{1}{2}$ N $\frac{1}{2}$ SECTION 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 29, N $\frac{1}{2}$ SW $\frac{1}{4}$ SECTION 20, T 13 S, R 32 E, W.M., tributary of COLUMBIA RIVER, for IRRIGATION OF 23.0 ACRES. This right is limited to:

DISSEL CREEK AND SPRINGS: 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30, measured at the point of diversion;

JOHN DAY RIVER: 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; total five acre feet per acre for season measured at point of diversion;

if available at the authorized point of diversion, 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 $\frac{1}{4}$	19.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.6 ACRES
SECTION 20	
TOWNSHIP 13 SOUTH, RANGE 32 EAST, W.M.	

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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 Certificate 25647. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1880.

The right allows the use of JOHN DAY RIVER (below mouth of Pine Creek), a tributary of COLUMBIA RIVER, for IRRIGATION OF 10.5 ACRES. This right is limited to 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; total five acre-feet per acre for season, if available at the authorized point of diversion, 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.5 ACRES
SECTION 25
TOWNSHIP 13 SOUTH, RANGE 31 EAST, W.M.

The third right to be modified, as evidenced by a PORTION of Certificate 65532, was perfected under Permit 48178 with a date of priority of SEPTEMBER 30, 1983. The right allows the use of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION OF 9.5 ACRES. This right is limited to 0.24 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 25, T 13 S, R 31 E, W.M.; 500 FEET SOUTH AND 600 FEET WEST FROM THE NW CORNER OF SECTION 30, 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:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9.5 ACRES
SECTION 30
TOWNSHIP 13 SOUTH, RANGE 32 EAST, W.M.

The right to use water for the above purposes 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.

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The applicant proposes to change the use and place of use of 9.5 acres of the John Day River portion of the 1868 irrigation water right from the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T 13 S, R 32 E, W.M. to supplemental irrigation of 9.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T 13 S, R 32 E, W.M. The applicant also proposes to change the place of use of 9.5 acres of the 1983 supplemental irrigation water right from the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, to the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20. This is a switch in priority dates.

The applicant proposes to change the place of use of the John Day River portion of the 1868 irrigation water right from 6.9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.6 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T 13 S, R 32 E, W.M. to 10.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T 13 S, R 31 E, W.M. The applicant also proposes to change the place of use of the 1880 John Day River irrigation water right from 10.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, to 6.9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.6 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20. This is a switch in priority dates.

The applicant proposes to change the place of use of 3.0 acres of the John Day River portion of the 1868 irrigation water right from the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T 13 S, R 32 E, W.M. to 2.3 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T 13 S, R 31 E, W.M., and 0.7 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T 13 S, R 32 E, W.M.

The applicant proposes to switch the points of diversion so that the John Day River portion of the 1868 right, involved herein, formerly diverted through the Oliver Ditch in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T 13 S, R 32 E, W.M.; 950 feet North and 500 feet East from the SW corner of Section 21, will be diverted by means of a pump located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T 13 S, R 31 E, W.M.; 500 feet South and 600 feet West from the NE corner of Section 25. The 1880 and 1983 rights, involved herein, formerly diverted by means of the pump will be diverted through the Oliver Ditch.

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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, 1993.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water available at the original points of diversion.
3. 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 water user shall maintain a record of, and upon request of the Watermaster, report the quantity diverted from all sources. The water user shall not divert from all sources in excess of 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per thereafter.
5. The water user shall not divert in excess of one acre-foot per calendar month to June 1 from all sources and 3/4 acre-foot from the John Day River thereafter. The total diverted from Dissel Creek and springs shall not exceed four acre-feet per acre irrigated during the season from April 1 to September 30. The total diverted from all sources shall not exceed five acre-feet per acre irrigated for the season.

Certificates 25642, 25647, and 65532 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed NOVEMBER 6, 1992.



Martha G. Pagel

Recorded in Special Order Records at Volume 46, Page 508 .