

BEFORE THE WATER RESOURCES DIRECTOR

WASCO COUNTY

FINAL ORDER

Pursuant to ORS 541.329 (District Water Rights Mapping Provision), a petition requesting approval and acceptance of district maps indicating the location and use of the water rights within and served by a district or any part thereof was submitted to the Oregon Water Resources Commission on July 1, 1993, by the petitioner:

**JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
53333 RESERVATION ROAD
MAUPIN, OR 97037-9708**

The perfected water rights petitioned are evidenced by the Water Right Certificates 48850 and 51539 both modified by Transfers 4685, 4977, 5010, 5055, 5057, 5175, 5194, 5284, and 5759, and 23487 inside the District. The said rights allow use of the waters of Clear Creek, Frog Creek, and Clear Lake Reservoir, tributaries of White River for irrigation of 2,107.49 acres, supplemental irrigation of 2,107.49 acres, domestic and stock. Also allowed is the use of 2 unnamed springs and 2 unnamed streams, tributary to Clear Creek for stock use.

The sources of water and points of diversion for each right petitioned is as follows:

TABLE 1			
Priority Date	Certificate #	Source	POD
7/1/1903 8/19/1904	48850	Clear Creek Frog Creek Clear Lake Reservoir	NW¼ of NE¼, Sec. 10, T. 5S, R. 9E, WM NE¼ of NE¼, Sec. 34, T. 4S, R. 9E, WM SE¼ of SE¼, Sec. 32, T. 4S, R. 9E, WM
11/11/1915	51539	Clear Lake Reservoir	SE¼ of SE¼, Sec. 32, T. 4S, R. 9E, WM
9/6/1950 12/2/1950	23487	2 Springs and 2 Unnamed Streams	NE¼ of SE¼, Sec. 13, T. 5S, R. 9E, WM SE¼ of NW¼, Sec. 13, T. 5S, R. 9E, WM

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final 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.

Attachment 1 lists, by order of priority date, the said petitioned perfected rights including transfers to be confirmed as part of the petition. To summarize, the total acreage of water rights eligible to petition is as follows:

Staff found seven instances of overlapping primary water rights during processing of the petition by Juniper Flat District Improvement Company. All these overlaps were eliminated by either adjusting petitioned land boundaries, or diminishing the non-district water right. Affidavits to diminish to supplemental use were filed for Certificates 55344, 55345, 55354, and 47769 (See **Attachment 3**).

TABLE 2		
Priority Date	Certificate #	Eligible Acres
7/1/1903 8/19/1904	48850	2,107.49 acres Domestic Stock
11/11/1915	51539	2,107.49 acres Supp'l Irrigation
9/6/1950 12/2/1950	23487	Stock

The petitioner requests to change the place of use for irrigation, stock, and supplemental irrigation for said certificates listed in **Attachment 1**, to locations described in said petition, **Attachment 2**, and to change type of use for 5.85 acres of irrigation and supplemental irrigation to 5.85 acres equivalent pond maintenance for stock use. The petitioner also requests the cancellation of the domestic portion of Certificate 48850. (See affidavit in correspondence received June 17, 1998.)

To summarize **Attachment 2** (the petition), the total acreage requested for each priority date and use is as follows:

TABLE 3		
Priority Date	Certificate Superseded	Confirming Right
7/1/1903 8/19/1904	48850	Irrigation of 2,101.64 acres 5.85 acres Stock Pond Maintenance Stock
11/11/1915	51539	Supplemental Irrigation of 2,101.64 acres 5.85 acre Stock Pond Maintenance
9/6/1950 12/2/1950	23487	Stock

The petitioner has requested all perfected water rights eligible to be petitioned. As displayed below, three new certificates of water right conforming to the said petition (**Attachment 2**), for irrigation and supplemental irrigation of 2,101.64 acres of land, 5.85 acre equivalent of pond maintenance for stock water should be issued.

TABLE 4		
Priority Date	Use	Confirming Right
7/1/1903 8/19/1904	Irrigation Stock Stock Pond Maint.	2,101.64 acres 5.85 acre equivalents
11/11/1915	Supp'l Irrig. Stock Pond Maint.	2,101.64 acres 5.85 acre equivalents
9/6/1950 12/2/1950	Stock	

FINDINGS

The Director has examined the petition and maps submitted by Juniper Flat District Improvement Company and a report prepared by Department staff. Said report is on file at the Water Resources Department. Based upon the examination and report, the Director finds:

1. Juniper Flat District Improvement Company is a "district" as defined in ORS 541.325(1).
2. The District filed its petition and maps in a timely manner.
3. The District paid the fee required under ORS 536.050 1(0).
4. The District certified that the notice requirements of ORS 541.329 (4) were met.
5. The content and quality of the District's petition and maps meet the requirements of ORS 541.329.
6. The acreage petitioned is within the limits of the eligible water rights and the limits set in ORS 541.331(4).
7. The proposed changes may be made without injury to existing water rights.
8. This order does not affect or make any legal determinations regarding any water right permit within the district.
9. Juniper Flat District Improvement Company has authorized the cancellation of the domestic portion of Certificate 48850.

Therefore the Director finds that JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY has met the requirements of ORS 541.325 to 541.333.

FINAL ORDER

NOW THEREFORE, it is hereby ORDERED that the petition for Juniper Flat District Improvement Company's maps of water rights be accepted and approved and the certificates listed in **Attachment 1**. be canceled.

Three confirming certificates of water right conforming to the said petition (**Attachment 2**), shall be issued for the priority dates and uses as displayed below. Furthermore, Transfers 4685, 4977, 5010, 5055, 5057, 5175, 5194, 5284, and 5759 are confirmed herein.


TABLE 5		
Priority Date	Use	Confirming Right
7/1/1903 8/19/1904	Irrigation Stock Stock Pond Maint.	2,101.64 acres 5.85 acre equivalents
11/11/1915	Supp'l Irrig. Stock Pond Maint.	2,101.64 acres 5.85 acre equivalents
9/6/1950 12/2/1950	Stock	

It is FURTHER ORDERED that Certificates 55344, 55345, 55354, and 47769 be canceled and replaced with new certificates incorporating the diminishments described in **Attachment 3** to resolve overlapping primary water rights.

It is FURTHER ORDERED that the original season, rate, duty limitations, and all other conditions and limitations contained in the original certificates and decrees shall remain in effect for the rights petitioned.

It is FURTHER ORDERED that the domestic portion of Certificate 48850 be canceled.

WITNESS the signature of the Water Resources Director, affixed **JUN 18 2001** .



For Paul Cleary, Director
Oregon Water Resources Department

ATTACHMENT 1.

Perfected water rights petitioned by Juniper Flat District Improvement Company and to be canceled.

ATTACHMENT 1

Rights to be Affected

*Certificate 48850 is for irrigation, and stock and domestic water on lands covered by irrigation.

TWP	S	RNG	E	SEC	Cert.	Priority	P/S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
4		12		36	48850*	7/1/1903, 8/19/1904	P																10.00
4		13		14	48850*	7/1/1903, 8/19/1904	P													32.80	32.00		25.20
4		13		22	48850*	7/1/1903, 8/19/1904	P					20.00			20.00			1.20	19.50	6.00	14.00		
4		13		23	48850*	7/1/1903, 8/19/1904	P									7.00			40.00				
4		13		24	48850*	7/1/1903, 8/19/1904	P					34.00			36.00								
4		13		25	48850*	7/1/1903, 8/19/1904	P										15.60	18.60					
4		13		26	48850*	7/1/1903, 8/19/1904	P													12.70		0.30	32.80
4		13		27	48850*	7/1/1903, 8/19/1904	P					10.10				20.00							
4		13		29	48850*	7/1/1903, 8/19/1904	P									7.80		3.60	8.60				
4		13		30	48850*	7/1/1903, 8/19/1904	P									1.70			8.30				
4		13		31	48850*	7/1/1903, 8/19/1904	P							10.30							11.80		
4		13		32	48850*	7/1/1903, 8/19/1904	P			11.20	6.80												
4		13		33	48850*	7/1/1903, 8/19/1904	P											9.90	5.60				
4		13		34	48850*	7/1/1903, 8/19/1904	P						20.00										
4		13		35	48850*	7/1/1903, 8/19/1904	P													33.50	8.40	10.10	35.80
4		13		36	48850*	7/1/1903, 8/19/1904	P													18.80	10.40	26.40	16.90
4		14		17	48850*	7/1/1903, 8/19/1904	P												4.50				
4		14		19	48850*	7/1/1903, 8/19/1904	P															6.00	
4		14		20	48850*	7/1/1903, 8/19/1904	P					33.20	33.50	27.60	11.20								
4		14		30	48850*	7/1/1903, 8/19/1904	P			34.00						0.70							
4		14		31	48850*	7/1/1903, 8/19/1904	P															10.00	
5		11		13	48850*	7/1/1903, 8/19/1904	P										7.00	6.34					
5		11		24	48850*	7/1/1903, 8/19/1904	P						2.00							14.00			
5		11		25	48850*	7/1/1903, 8/19/1904	P				5.00												
5		12		1	48850*	7/1/1903, 8/19/1904	P				5.20	3.20	1.40	9.10	8.10						5.40		
5		12		2	48850*	7/1/1903, 8/19/1904	P										21.60	6.00					
5		12		3	48850*	7/1/1903, 8/19/1904	P													11.00			
5		12		8	48850*	7/1/1903, 8/19/1904	P																10.20
5		12		9	48850*	7/1/1903, 8/19/1904	P										13.00	6.80					
5		12		11	48850*	7/1/1903, 8/19/1904	P											12.40	9.60				
5		12		12	48850*	7/1/1903, 8/19/1904	P			18.40		21.90	31.70	5.00									
5		12		13	48850*	7/1/1903, 8/19/1904	P	6.40			6.80					2.30	9.10				1.20		

TWP	S	RNG	E	SEC	Cert.	Priority	P/S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
5	12	14	48850*	7/1/1903, 8/19/1904	P							11.90									0.20	16.30	13.40
5	12	19	48850*	7/1/1903, 8/19/1904	P									5.00					20.00				
5	12	20	48850*	7/1/1903, 8/19/1904	P						28.00												
5	12	21	48850*	7/1/1903, 8/19/1904	P									5						15.1	3		2.24
5	12	22	48850*	7/1/1903, 8/19/1904	P							16.60	8.13							2.00		10.00	15.60
5	12	23	48850*	7/1/1903, 8/19/1904	P	15.00	4.40					15.00	14.80	1.48				3.20	4.50				
5	12	24	48850*	7/1/1903, 8/19/1904	P								5.00	10.00						6.00			24.00
5	12	25	48850*	7/1/1903, 8/19/1904	P					3.00			2.00										
5	12	26	48850*	7/1/1903, 8/19/1904	P	10.00			7.80			12.80	20.20		3.40						2.00		
5	12	27	48850*	7/1/1903, 8/19/1904	P	8.00										5.50					5.50		10.00
5	12	29	48850*	7/1/1903, 8/19/1904	P			4.00				14.40	2.00					11.60	10.00				
5	12	30	48850*	7/1/1903, 8/19/1904	P																		8.40
5	12	32	48850*	7/1/1903, 8/19/1904	P			10.00															
5	12	33	48850*	7/1/1903, 8/19/1904	P			12.00					10.00										
5	13	2	48850*	7/1/1903, 8/19/1904	P	12.70													10.20			11.80	
5	13	3	48850*	7/1/1903, 8/19/1904	P							12.30	11.90	14.20	20.00		7.00						
5	13	4	48850*	7/1/1903, 8/19/1904	P	6.40	14.70						7.00	11.90									
5	13	5	48850*	7/1/1903, 8/19/1904	P			15.10	4.90	10.60	20.20				3.20			2.80	15.60			17.80	11.80
5	13	7	48850*	7/1/1903, 8/19/1904	P									1.90		6.80	0.80	9.30	2.60	7.60	12.10	1.30	1.90
5	13	8	48850*	7/1/1903, 8/19/1904	P									2.00			16.00	27.00					
5	13	9	48850*	7/1/1903, 8/19/1904	P									20.60	9.50	8.40							
5	13	11	48850*	7/1/1903, 8/19/1904	P			13.40				3.70											
5	13	17	48850*	7/1/1903, 8/19/1904	P													1.80					
5	13	20	48850*	7/1/1903, 8/19/1904	P	11.60	11.20	4.00	6.00													10.00	
5	13	21	48850*	7/1/1903, 8/19/1904	P							10.50	4.20	8.40		1.40					8.00		15.60
5	13	29	48850*	7/1/1903, 8/19/1904	P							8.00	30.20	5.80									
5	13	30	48850*	7/1/1903, 8/19/1904	P									10.00		5.00	10.00						
			TOTAL			2107.49																	
4	12	36	51539	11/11/1915	S																		10.00
4	13	14	51539	11/11/1915	S															32.80	32.00		25.20
4	13	22	51539	11/11/1915	S						20.00				20.00			1.20	19.50	6.00	14.00		
4	13	23	51539	11/11/1915	S											7.00			40.00				
4	13	24	51539	11/11/1915	S						34.00				36.00								
4	13	25	51539	11/11/1915	S												15.60	18.60					
4	13	26	51539	11/11/1915	S															12.70		0.30	32.80

TWP	S	RNG	E	SEC	Cert.	Priority	P/S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SEW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
4		13		27	51539	11/11/1915	S					10.10				20.00							
4		13		29	51539	11/11/1915	S									7.80		3.60	8.60				
4		13		30	51539	11/11/1915	S									1.70			8.30				
4		13		31	51539	11/11/1915	S			5.50	10.30			10.30							11.80		
4		13		32	51539	11/11/1915	S		11.20	6.80													
4		13		33	51539	11/11/1915	S										9.90	5.60					
4		13		34	51539	11/11/1915	S					20.00											
4		13		35	51539	11/11/1915	S													33.50	8.40	10.10	35.00
4		13		36	51539	11/11/1915	S													18.80	10.40	26.40	16.90
4		14		17	51539	11/11/1915	S											4.50					
4		14		19	51539	11/11/1915	S															6.00	
4		14		20	51539	11/11/1915	S					33.20	33.50	27.60	11.20								
4		14		30	51539	11/11/1915	S		34.00							0.70							
4		14		31	51539	11/11/1915	S															10.00	
5		11		13	51539	11/11/1915	S										7.00	6.34					
5		11		24	51539	11/11/1915	S					2.00							14.00				
5		11		25	51539	11/11/1915	S				5.00												
5		12		1	51539	11/11/1915	S			5.20		3.20	1.40	9.10	8.10						5.40		
5		12		2	51539	11/11/1915	S										21.60	6.00					
5		12		3	51539	11/11/1915	S													11.00			
5		12		8	51539	11/11/1915	S																10.20
5		12		9	51539	11/11/1915	S										13.00	6.80					
5		12		11	51539	11/11/1915	S										12.40	9.60					
5		12		12	51539	11/11/1915	S		18.40			21.90	31.70	5.00									
5		12		13	51539	11/11/1915	S	6.40			6.80					2.30	9.10				1.20		
5		12		14	51539	11/11/1915	S					11.90									0.20	16.30	13.40
5		12		19	51539	11/11/1915	S							5.00					20.00				
5		12		20	51539	11/11/1915	S				28.00												
5		12		21	51539	11/11/1915	S							5						15.1	3		2.24
5		12		22	51539	11/11/1915	S						16.60	8.13					2.00		10.00	15.60	
5		12		23	51539	11/11/1915	S	15.00	4.40			15.00	14.80	1.48				3.20	4.50				
5		12		24	51539	11/11/1915	S						5.00	10.00						6.00			24.00
5		12		25	51539	11/11/1915	S			3.00			2.00										
5		12		26	51539	11/11/1915	S	10.00		7.80		12.80	20.20		3.40						2.00		
5		12		27	51539	11/11/1915	S	8.00								5.50					5.50		10.00
5		12		29	51539	11/11/1915	S		4.00			14.40	2.00					11.60	10.00				
5		12		30	51539	11/11/1915	S																8.40

TWP	S	RNG	SEC	Cert.	Priority	P/S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
5		12	32	51539	11/11/1915	S		10.00														
5		12	33	51539	11/11/1915	S		12.00				10.00										
5		13	2	51539	11/11/1915	S	12.70											10.20			11.80	
5		13	3	51539	11/11/1915	S					12.30	11.90	14.20	20.00		7.00						
5		13	4	51539	11/11/1915	S	6.40	14.70				7.00	11.90									
5		13	5	51539	11/11/1915	S		15.10	4.90	10.60	20.20			3.20			2.80	15.60			17.80	11.80
5		13	7	51539	11/11/1915	S							1.90		6.80	0.80	9.30	2.60	7.60	12.10	1.30	1.90
5		13	8	51539	11/11/1915	S							2.00			16.00	27.00					
5		13	9	51539	11/11/1915	S							20.60	9.50	8.40							
5		13	11	51539	11/11/1915	S		13.40			3.70											
5		13	17	51539	11/11/1915	S											1.80					
5		13	20	51539	11/11/1915	S	11.60	11.20	4.00	6.00										10.00		
5		13	21	51539	11/11/1915	S					10.50	4.20	8.40		1.40				8.00			15.60
5		13	29	51539	11/11/1915	S					8.00	30.20	5.80									
5		13	30	51539	11/11/1915	S							10.00		5.00	10.00						
				TOTAL																		
					2107.49																	
4		13	13	23487	9/6/1950,12/2/1950																STK	STK
4		13	14	23487	9/6/1950,12/2/1950														STK			STK
4		13	20	23487	9/6/1950,12/2/1950														STK	STK		
4		13	21	23487	9/6/1950,12/2/1950												STK					
4		13	22	23487	9/6/1950,12/2/1950			STK			STK									STK	STK	
4		13	23	23487	9/6/1950,12/2/1950											STK	STK					
4		13	24	23487	9/6/1950,12/2/1950						STK			STK								
4		13	25	23487	9/6/1950,12/2/1950												STK			STK		
4		13	26	23487	9/6/1950,12/2/1950										STK	STK						STK
4		13	27	23487	9/6/1950,12/2/1950					STK	STK				STK	STK						
4		13	28	23487	9/6/1950,12/2/1950										STK					STK		
4		13	29	23487	9/6/1950,12/2/1950		STK									STK	STK	STK				
4		13	30	23487	9/6/1950,12/2/1950								STK			STK		STK				
4		13	31	23487	9/6/1950,12/2/1950		STK	STK	STK	STK			STK									
4		13	32	23487	9/6/1950,12/2/1950			STK	STK			STK										
4		13	33	23487	9/6/1950,12/2/1950												STK	STK			STK	
4		13	34	23487	9/6/1950,12/2/1950					STK					STK	STK			STK			
4		13	35	23487	9/6/1950,12/2/1950														STK		STK	
4		13	36	23487	9/6/1950,12/2/1950				STK				STK			STK				STK	STK	

TWP S	RNG E	SEC	Cert.	Priority	P/S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
4	14	18	23487	9/6/1950,12/2/1950																STK	STK
4	14	19	23487	9/6/1950,12/2/1950					STK							STK		STK			
4	14	20	23487	9/6/1950,12/2/1950							STK	STK									
4	14	30	23487	9/6/1950,12/2/1950											STK		STK				
4	14	31	23487	9/6/1950,12/2/1950																STK	
5	11	13	23487	9/6/1950,12/2/1950											STK	STK					
5	11	24	23487	9/6/1950,12/2/1950					STK		STK						STK			STK	
5	11	25	23487	9/6/1950,12/2/1950				STK											STK		STK
5	11	27	23487	9/6/1950,12/2/1950						STK											STK
5	12	1	23487	9/6/1950,12/2/1950				STK		STK		STK	STK		STK		STK				

ATTACHMENT 2.

Listing of petitioned lands and uses; corresponding uses.

TWP	S	RNG E	SEC	Cert.	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
5	12	14	48850, 51539			0.50		7.20	10.50										9.30	12.00	
5	12	18	48850, 51539											15.20	39.80						
5	12	19	48850, 51539												20.00						
5	12	20	48850, 51539					5.00													
5	12	21	48850, 51539														14.6	1.4		4.34	
5	12	22	48850, 51539							15.50	9.23						2.70		10.00	16.20	
5	12	23	48850, 51539		15.00	11.50			16.40	12.68	3.40	1.20			4.50	4.60					
5	12	24	48850, 51539							5.00	10.00									0.50	
5	12	25	48850, 51539				11.80														
5	12	26	48850, 51539		7.20			4.80	13.50	21.60								2.00			
5	12	27	48850, 51539		6.40								6.00	0.70				2.80		10.00	
5	12	29	48850, 51539							0.30									1.50		
5	12	30	48850, 51539																	11.10	
5	12	32	48850, 51539			18.50															
5	12	33	48850, 51539			12.00				18.90											
5	13	2	48850, 51539		11.60											7.50					
5	13	3	48850, 51539						33.50	37.40	14.90	20.00		1.00							
5	13	4	48850, 51539		11.60	11.60															
5	13	5	48850, 51539						20.00			2.40			3.20	16.10			19.50	11.80	
5	13	7	48850, 51539							2.00		8.10	1.60	12.70	2.60	5.40	13.30	0.80	0.50		
5	13	8	48850, 51539							1.90			15.10	24.20	0.60						
5	13	9	48850, 51539				7.40				14.60	8.70	7.80								
5	13	11	48850, 51539			15.50			10.50												
5	13	17	48850, 51539							0.20											
5	13	18	48850, 51539																	0.25	
5	13	20	48850, 51539		11.60	7.80	4.00	6.60										0.70			
5	13	21	48850, 51539							0.10	7.70				5.40	6.00				15.10	
5	13	28	48850, 51539							1.00											
5	13	30	48850, 51539								13.20	3.40	7.40								
TOTAL																					

Pond maintenance water. Listed is the equivalent acres for maintaining each pond.

TWP S	RNG E	SEC	Cert.	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
4	13	22	48850, 51539					0.10											
4	13	25	48850, 51539				1.70												
4	13	30	48850, 51539												0.30				
4	14	30	48850, 51539									0.30							
5	11	25	48850, 51539									0.30							
5	12	23	48850, 51539																0.20
5	13	17	48850, 51539										0.20						
5	13	18	48850, 51539	1.00															0.75
5	13	21	48850, 51539	1.00															
	TOTAL		5.85																

TWP S	RNG E	SEC	Cert.	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
4	12	36	23487										STK				STK		
4	13	13	23487															STK	STK
4	13	14	23487												STK				
4	13	15	23487												STK				
4	13	20	23487				STK											STK	
4	13	21	23487					STK		STK				STK		STK			
4	13	22	23487		STK	STK		STK				STK		STK	STK		STK	STK	STK
4	13	23	23487	STK			STK		STK				STK	STK					
4	13	24	23487						STK	STK									STK
4	13	25	23487			STK	STK			STK			STK						
4	13	26	23487				STK		STK										
4	13	27	23487	STK				STK				STK	STK		STK				
4	13	28	23487									STK	STK				STK		
4	13	29	23487	STK						STK	STK	STK	STK	STK	STK			STK	
4	13	30	23487												STK		STK		
4	13	31	23487	STK					STK	STK				STK		STK		STK	
4	13	32	23487		STK		STK	STK	STK					STK		STK			
4	13	33	23487	STK	STK					STK				STK	STK	STK			
4	13	34	23487						STK	STK			STK						
4	13	35	23487							STK									STK
4	13	36	23487													STK	STK		
4	14	18	23487															STK	STK
4	14	19	23487				STK									STK			STK
4	14	20	23487					STK	STK	STK									
4	14	30	23487	STK	STK			STK				STK							
4	14	31	23487							STK		STK				STK		STK	
5	11	13	23487										STK	STK					
5	11	23	23487	STK						STK									
5	11	24	23487						STK									STK	
5	11	25	23487								STK								STK
5	12	1	23487		STK	STK		STK		STK	STK	STK	STK		STK		STK		
5	12	2	23487		STK		STK			STK				STK		STK	STK		
5	12	8	23487													STK			STK
5	12	9	23487										STK			STK			
5	12	10	23487	STK															
5	12	11	23487				STK			STK						STK			
5	12	12	23487					STK	STK	STK									
5	12	13	23487				STK					STK	STK				STK		STK

TWP S	RNG E	SEC	Cert.	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
5	12	14	23487	STK	STK			STK										STK	STK
5	12	16	23487							STK	STK								
5	12	17	23487						STK				STK						STK
5	12	18	23487										STK						
5	12	19	23487									STK					STK		
5	12	20	23487	STK	STK		STK		STK		STK				STK				
5	12	21	23487	STK												STK			STK
5	12	22	23487				STK		STK	STK					STK			STK	
5	12	23	23487	STK			STK	STK									STK		STK
5	12	24	23487		STK				STK	STK		STK		STK					STK
5	12	25	23487													STK			
5	12	26	23487														STK		
5	12	27	23487	STK				STK		STK							STK	STK	STK
5	12	28	23487		STK					STK									
5	12	29	23487					STK	STK				STK	STK				STK	STK
5	12	30	23487		STK									STK		STK			STK
5	12	31	23487					STK											
5	12	32	23487		STK		STK												
5	12	33	23487	STK	STK				STK										
5	12	34	23487		STK														
5	13	2	23487	STK	STK								STK		STK			STK	
5	13	3	23487							STK			STK			STK	STK		
5	13	4	23487	STK					STK	STK									
5	13	5	23487					STK	STK		STK				STK				
5	13	6	23487	STK															STK
5	13	7	23487			STK						STK	STK	STK	STK		STK		
5	13	8	23487							STK			STK	STK					
5	13	9	23487								STK	STK							
5	13	11	23487		STK			STK											
5	13	16	23487															STK	
5	13	17	23487						STK				STK					STK	
5	13	18	23487	STK					STK										STK
5	13	19	23487			STK	STK						STK	STK					
5	13	20	23487	STK	STK		STK				STK					STK	STK		
5	13	21	23487	STK					STK									STK	
5	13	28	23487						STK										
5	13	29	23487							STK									
5	13	30	23487							STK									

ATTACHMENT 3

Conflicting certificates of water rights to be canceled, and new certificates issued diminishing conflicting portion to supplemental irrigation.

ATTACHMENT 3

Rights to be diminished by landowner affidavits

The listing below is only the acreage that is being diminished. There maybe additional land on the certificate not affected and therefore not listed here that will show on the new certificate.

TWP	RNG	SEC	Cert.	Priority	P/S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
4	13	14	55354	2/14/1978	P															23.60	8.30
4	13	23	55354	2/14/1978	P	18.40	10.80														
4	14	31	55344	1/9/1976	P									20.80							
4	14	31	55345	3/31/1977	P														3.40		
5	12	19	47769	5/4/1971	P												20.00				

ADDENDUM

CHANGES TO THE PROPOSED ORDER APPEARING IN THE FINAL ORDER

After the Department issued the Proposed Order on the Juniper Flat District Improvement Company petition, the Confederated Tribes of the Warm Springs Reservation (CTWSR) objected to the location of use of a water right on their property. At the request of CTWSR, the District moved the petitioned location of use from 20 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 19, T. 5 S., R. 12 E. This modification changed the water right (certificate) in conflict with the petitioned location of use. To resolve this conflict, the tribes submitted an affidavit to diminish the conflicting water right to supplemental irrigation.

The Final Order differs from the Proposed Order, and incorporates changes to the Proposed Order as described in the previous paragraph. The modifications made to the Proposed Order are as follows:

Proposed Order Page 1, Paragraph 5: change Certificate "72321" to "47769". This change to the Proposed Order reflects the different conflicting water right due to the change in location of use.

Proposed Order Attachment 2, Page 3: move 20 acres from "NW/SE" to "SE/SW" for 5 S. 12 E. 19. This modification to the Proposed Order describes the change in location of use.

Proposed Order Attachment 3, Page 2, Line 10:

- change certificate from "72321" to "47769",
- change priority from "1/9/1979" to "5/4/1971", and
- move 20 acres from the NWSE column to SESW column.

These changes reflect the different conflicting water right resulting from the change in location of use, the different priority date of the right, and the change in location of use.