

STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING AN ADDITIONAL POINT 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 8736 submitted by

RICHARD NEAL  
4820 DAVIS CUTOFF  
THE DALLES, OREGON 97058.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WASCO County as evidenced by Certificate 5645. The decree is recorded in the Order Record of the Water Resources Director in Volume 7, at Page 406. The date of priority is 1885.

The right allows the use of EIGHT MILE CREEK, a tributary of FIFTEEN MILE CREEK and TWO LARGE SPRINGS in NW¼ SW¼, SECTION 28, T 1 N, R 14 E, W.M., for IRRIGATION of 19.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.0 acre feet per acre in any irrigation season.

The authorized place of use is located as follows:

NE¼ SW¼      12.8 ACRES  
NW¼ SW¼      6.4 ACRES  
SECTION 28  
TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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.

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 decree.

The applicant proposes to add an additional point of diversion to:

NW¼ SW¼, SECTION 28, T 1 N, R 14 E, W.M.; 900 FEET SOUTH AND 4000 FEET WEST FROM E¼ CORNER, SECTION 28.

THIS CHANGE TO AN EXISTING WATER RIGHT 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, 2004.
2. The quantity of water diverted at the new point 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 a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device 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 points of diversion.

Certificate 5645 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources  
Director, affixed JANUARY 27, 2003.

  
Paul R. Cleary, Director