

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING A CHANGE IN 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 9323 submitted by

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P.O. BOX 145
JOHN DAY, OR 97845

The right to be modified, as evidenced by Certificate 56303, was perfected under Permit 25370, with a date of priority of FEBRUARY 28, 1958. The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for the IRRIGATION OF 2.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the original point of diversion: LAYCOCK LONG DITCH - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 19, T 13 S, R 31 E, W.M.; 1130 FEET NORTH AND 40 FEET WEST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 19, 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 any other right for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to FIVE ACRE-FEET per acre for the irrigation season, measured at the point of diversion.

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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.6 ACRES
SECTION 19
TOWNSHIP 13 SOUTH, RANGE 31 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 point of diversion to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 19, T 13 S, R 31 E, W.M.; 830 FEET NORTH AND 1280 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 19.

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, 2005.
2. 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.
3. When required by the Department, the water user shall operate the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may monitor the accuracy of the measuring device, as needed.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or

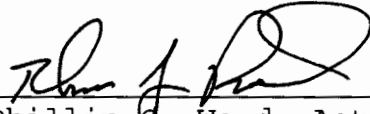
by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 56303 is canceled. A new certificate will be issued to describe that portion of the right NOT involved in this transfer. 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 AUGUST 9, 2004.


for Phillip C. Ward, Acting Director