

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING ADDITIONAL 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 7507 submitted by

TARA TRUST  
P.O. BOX 134  
DAYVILLE, OREGON 97825.

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 Certificate 25566. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is JUNE 1893.

The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 40.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.0 cubic foot per second, if available at the authorized point of diversion: SOUTHSIDE DITCH - SE¼ SE¼, SECTION 3, T 13 S, R 27 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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 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 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.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 ACRES (POD 1 & 3)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.7 ACRES (POD 1 & 3)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	8.4 ACRES (POD 1)
SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.9 ACRES (POD 1)

SECTION 4

NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.2 ACRES (POD 1)
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SECTION 9

TOWNSHIP 13 SOUTH, RANGE 27 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 2406, was perfected under Permit 2355 with a date of priority of FEBRUARY 9, 1915. The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 63.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.79 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 3, T 13 S, R 27 E, W.M.; NORTH 59 DEGREES EAST 260 FEET FROM THE SW CORNER, SECTION 3, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 $\frac{1}{4}$	33.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.5 ACRES

SECTION 4

TOWNSHIP 13 SOUTH, RANGE 27 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 Certificate 59122, was perfected under Permit 47691 with a date of priority of JULY 18, 1983. The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 6.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 63.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.95 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 3, T 13 S, R 27 E, W.M.; 130 FEET NORTH AND 220 FEET EAST FROM THE SOUTHWEST CORNER, SECTION 3, 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 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 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE RIGHT SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN.

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

The authorized place of use is located as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE¼ SW¼		33.0 ACRES
NW¼ SW¼		13.0 ACRES
SW¼ SW¼	1.5 ACRES	
SE¼ SW¼	4.0 ACRES	6.0 ACRES
NW¼ SE¼		11.5 ACRES
SW¼ SE¼	1.0 ACRE	
SECTION 4		
TOWNSHIP 13 SOUTH, RANGE 27 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 ADD ADDITIONAL POINTS OF DIVERSION as follows:

CERTIFICATE 25566

POD 1 - SE¼ SW¼, SECTION 4, T 13 S, R 27 E, W.M.; 700 FEET NORTH AND 2770 FEET WEST FROM THE SE CORNER, SECTION 4;

POD 3 - NW¼ SW¼, SECTION 4, T 13 S, R 27 E, W.M.; 1480 FEET NORTH AND 4860 FEET WEST FROM THE SE CORNER, SECTION 4.

**NOTE:** See place of use description above for specific acreage assignment.

PERMITS 2355 & 47691

POD 2 - SE¼ SW¼, SECTION 4, T 13 S, R 27 E, W.M.; 930 FEET NORTH AND 2800 FEET WEST FROM THE SE CORNER, SECTION 4;

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, 2003.
2. The quantity of water diverted at the new points 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 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.

Certificates 25566, 2406 and 59122 are canceled. A new certificate will be issued describing that portion of Certificate 2406 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           **FEB 28 2002**          .

  
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Paul R. Cleary, Director