

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING CHANGES IN 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 7419 submitted by

JAMES DOVENBERG, ET AL
21315 SW LEBEAU ROAD
SHERWOOD, OREGON 97140.

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 24935. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The dates of priority are 1886 FOR TRACT 1 and FEBRUARY 15, 1889 FOR TRACT 2.

The right allows the use of WIDOWS CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 187 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.68 cubic foot per second to June 1 and 2.34 cfs thereafter, BEING 0.72 cfs to June 1 and 0.36 thereafter for Tract 1, and 3.96 cfs to June 1 and 1.98 cfs thereafter for Tract 2, if available at the authorized points of diversion: TRACT 1 - ARTHUR PATTON DITCH - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 13 S, R 28 E, W.M; TRACT 2 - JAMES SMALL DITCH - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 13 S, R 28 E, W.M.; 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 to June 1 and ONE-EIGHTIETH of one cubic foot per second per acre 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 point of diversion.

The authorized place of use is located as follows:

TRACT 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$	7.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.1 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.6 ACRES

SECTION 21

TRACT 2

SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	13.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.4 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.4 ACRES

SECTION 16

NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.5 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9 ACRE

SECTION 17

TOWNSHIP 13 SOUTH RANGE 28 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 applicant proposes to change the points of diversion to:

POD 1 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 13 S, R 28 E, W.M.;
2300 FEET SOUTH AND 2000 FEET WEST OF THE NE CORNER OF
SECTION 28;

FOR IRRIGATION OF:

SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.2 ACRES - YATES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.4 ACRES - RUSSELL
NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.1 ACRES - RUSSELL

SECTION 21

POD 2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 13 S, R 28 E, W.M.;
580 FEET SOUTH AND 1420 FEET WEST OF THE NE CORNER OF
SECTION 28;

FOR IRRIGATION OF:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0 ACRES - DOVENBERG
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0 ACRES - DOVENBERG
NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.8 ACRES - DOVENBERG
NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.1 ACRES - WYLLIE

SECTION 21

SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.4 ACRES - DOVENBERG
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SECTION 16

POD 3 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 13 S, R 28 E, W.M.;
2500 FEET NORTH AND 570 FEET WEST OF THE SE CORNER OF
SECTION 21;

FOR IRRIGATION OF:

SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.0 ACRES - DOVENBERG
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.4 ACRES - DOVENBERG
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.8 ACRES - DOVENBERG
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 ACRES - DOVENBERG

SECTION 16

POD 4 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 16, T 13 S, R 28 E, W.M.;
1720 FEET NORTH AND 770 FEET WEST OF THE SE CORNER OF
SECTION 16;

FOR IRRIGATION, FROM POD 3 AND OR POD 4, OF:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.3 ACRES - DOVENBERG
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.0 ACRES - DOVENBERG
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE - DOVENBERG
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.6 ACRES - DOVENBERG
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0 ACRES - DOVENBERG
NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.9 ACRES - DOVENBERG
SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.1 ACRES - DOVENBERG
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.6 ACRES - DOVENBERG
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.1 ACRES - DOVENBERG

SECTION 16

NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.8 ACRES - DOVENBERG
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.5 ACRES - DOVENBERG
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.9 ACRE - DOVENBERG

SECTION 17

TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.

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 25037. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1887.

The right allows the use of WIDOWS CREEK, a tributary of the JOHN DAY RIVER, for irrigation of 10.7 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.27 cubic feet per second to June 1 and 0.13 cfs thereafter, if available at the authorized point of diversion: WIDOWS CREEK DITCH - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 16, T 13 S, R 28 E, W.M., 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 to June 1 and ONE-EIGHTIETH of one cubic foot per second per acre 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.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5 ACRES - SHERMAN
SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.2 ACRES - POWELL
SECTION 15	
TOWNSHIP 13 SOUTH, RANGE 28 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 applicant proposes to change the point of diversion to:

POD 3 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 13 S, R 28 E, W.M.;
2500 FEET NORTH AND 570 FEET WEST OF THE SE CORNER OF
SECTION 21.

The third right to be modified, as evidenced by Certificate 56415, was perfected under Permit 39277 with a date of priority of DECEMBER 23, 1974. The right allows the use of WIDOWS CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 8.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.2 cubic foot per second, if available at the authorized point of diversion: NE¼ SE¼, SECTION 21, T 13 S, R 28 E, W.M.; 3440 FEET SOUTH AND 770 FEET WEST FROM THE NE CORNER OF SECTION 21, 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 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is located as follows:

NE¼ NE¼	5.2 ACRES - DOVENBERG
SE¼ NE¼	2.8 ACRES - DOVENBERG
SECTION 21	
TOWNSHIP 13 SOUTH, RANGE 28 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 proposed to change the POINT OF DIVERSION to:

POD 2 - NW¼ NE¼, SECTION 28, T 13 S, R 28 E, W.M.; 580 FEET SOUTH AND 1420 FEET WEST OF THE NE CORNER OF SECTION 28.

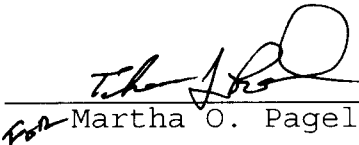
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 1999.
2. The quantity of water diverted at the new points of diversion, shall not exceed the quantity of water lawfully 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. In-line flow meters shall be installed at Points of Diversion 3 and 4. 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 operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.
5. A measuring device shall be installed in the main channel of Widows Creek below Point Of Diversion 3, to enable measurement of the quantity of Widows Creek water that will enter the John Day River. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. When required by the Department, the water user shall install a measuring device in Widows Creek, near the mouth, if or when it becomes necessary, in the opinion of the Watermaster, to measure the quantity of Widows Creek water actually entering the John Day River. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. Water shall be acquired from the same surface water source as the original points of diversion.

Certificates 24935, 25037 and 56415 are canceled. 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 AUG 20 1998.



For Martha O. Pagel, Director