

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE  
AND PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 8851 submitted by

MARK L. HENSLEY  
HCR 1, BOX 191  
MT. VERNON, OREGON 97865.

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 a PORTION of Certificate 24921. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1865.

The right allows the use of the JOHN DAY RIVER for IRRIGATION OF 75.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.88 CUBIC FEET PER SECOND PER ACRE IRRIGATED FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO ONE ACRE-FOOT PER ACRE PER

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.

CALENDAR MONTH TO JULY 1 AND 3/4 ACRE-FOOT PER ACRE THEREAFTER; TOTAL FIVE ACRE-FEET PER ACRE FOR SEASON, if available at the authorized point of diversion: OLD MILL DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

|         |            |
|---------|------------|
| NE¼ SE¼ | 40.0 ACRES |
| NW¼ SE¼ | 30.2 ACRES |
| SE¼ SE¼ | 5.0 ACRES  |

SECTION 20

TOWNSHIP 13 SOUTH, RANGE 29 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 was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by a PORTION of Certificate 26025. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1895.

The right allows the use of MOON CREEK for IRRIGATION OF 8.8 ACRES, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 CUBIC FOOT PER SECOND (CFS) PER ACRE IRRIGATED TO JUNE 1 AND 0.11 CFS PER ACRE THEREAFTER; FURTHER LIMITED TO ONE ACRE-FOOT PER CALENDAR MONTH TO JUNE 1 AND FOUR ACRE-FEET PER ACRE DURING THE SEASON APRIL 1 TO SEPTEMBER 30, if available at the authorized point of diversion: MOON CREEK DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  6.8 ACRES

NW $\frac{1}{4}$  NE $\frac{1}{4}$  2.0 ACRES

SECTION 29

TOWNSHIP 13 SOUTH, RANGE 29 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 THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by a PORTION of Certificate 24922. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1872.

The right allows the use of MOON CREEK for IRRIGATION OF 53.9 ACRES, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.34 CUBIC FEET PER SECOND (CFS) PER ACRE IRRIGATED TO JUNE 1 AND 0.67 CFS 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, if available at the authorized point of diversion: MOON CREEK DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  SW $\frac{1}{4}$  1.0 ACRE

SW $\frac{1}{4}$  SE $\frac{1}{4}$  27.2 ACRES

SE $\frac{1}{4}$  SE $\frac{1}{4}$  25.7 ACRES

SECTION 20

TOWNSHIP 13 SOUTH, RANGE 29 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 FOURTH right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by a PORTION of Certificate 24923. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1882.

The right allows the use of DUSTIN CREEK AND PICNIC CREEK for IRRIGATION OF 12.3 ACRES AND DOMESTIC. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 CUBIC FOOT PER SECOND (CFS) PER ACRE IRRIGATED TO JUNE 1 AND 0.15 CFS 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, if available at the authorized point of diversion: PICNIC CREEK DITCH, DUSTIN CREEK DITCH AND PIPELINE, or its equivalent in case of rotation, measured at the points of diversion from the source.

The authorized place of use is located as follows:

|  |           |
|--|-----------|
| NE $\frac{1}{4}$ SW $\frac{1}{4}$      | 6.5 ACRES |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$      | 5.8 ACRES |
| SECTION 20                             |           |
| TOWNSHIP 13 SOUTH, RANGE 29 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 FIFTH right to be modified, as evidenced by Certificate 74275, was perfected under Permit 3163 with a date of priority of OCTOBER 23, 1916. The right allows the use of the JOHN DAY

RIVER, a tributary of the COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION OF 75.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.94 cubic foot per second, if available at the original point of diversion: SW¼ NE¼, SECTION 29, T 13 S, R 30 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE¼ SW¼, SECTION 20; SW¼ SW¼, SECTION 21, T 13 S, R 29 E, W.M.; SW¼ NE¼, SECTION 29, T 13 S, R 30 E, W.M.; (ADDITIONAL) 2530 FEET NORTH AND 2810 FEET WEST FROM THE SE CORNER, SECTION 20; (BOYCE DITCH) SOUTH 27 DEGREES 30 MINUTES EAST, 1817 FEET FROM THE W¼ CORNER, SECTION 21; (BLUE MOUNTAIN DITCH) 565 FEET NORTH AND 2320 FEET WEST FROM THE E¼ CORNER, SECTION 29.

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-EIGHTIETH 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 1.0 acre-foot per acre for each acre irrigated during any month prior to July 1, and thereafter 3/4 of one acre-foot per acre irrigated and shall be further limited to a total diversion of not to exceed 5.0 acre-feet for each acre irrigated during the irrigation season from April 1 to September 30 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 SW¼ | 6.5 ACRES  |
| SE¼ SW¼ | 7.0 ACRES  |
| SW¼ SE¼ | 27.2 ACRES |
| SE¼ SE¼ | 25.7 ACRES |

SECTION 20

NE¼ NE¼ 6.8 ACRES

NW¼ NE¼ 2.0 ACRES

SECTION 29

TOWNSHIP 13 SOUTH, RANGE 29 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 TEMPORARILY change the place of use to:

CERTIFICATE 24921

NE¼ SW¼ 6.5 ACRES

SE¼ SW¼ 7.0 ACRES

SW¼ SE¼ 27.2 ACRES

SE¼ SE¼ 25.7 ACRES

SECTION 20

NE¼ NE¼ 6.8 ACRES

NW¼ NE¼ 2.0 ACRES

SECTION 29

TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

CERTIFICATE 26025

NE¼ SE¼ 8.8 ACRES

SECTION 20

TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

CERTIFICATE 24922

NE¼ SE¼ 31.0 ACRES

NW¼ SE¼ 17.9 ACRES

SE¼ SE¼ 5.0 ACRES

SECTION 20

TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

CERTIFICATE 24923

NW¼ SE¼            12.3 ACRES  
SECTION 20  
TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

CERTIFICATE 74275

NE¼ SE¼            0.2 ACRE  
SECTION 20  
TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

CERTIFICATE 74275

NE¼ SE¼            31.0 ACRES (SUPPLEMENTAL)  
NE¼ SE¼            8.8 ACRES (SUPPLEMENTAL)  
NW¼ SE¼            12.3 ACRES (SUPPLEMENTAL)  
NW¼ SE¼            17.9 ACRES (SUPPLEMENTAL)  
SE¼ SE¼            5.0 ACRES (SUPPLEMENTAL)  
SECTION 20  
TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

An affidavit was received from Mark and Shari Hensley, owners of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and is requested to be canceled.

The portion is described by Certificate 74275, State Record of Water Right Certificates. The date of priority is October 23, 1916. The water use was for irrigation of 58.4 acres from the John Day River, a tributary of the Columbia River. The amount used was 0.73 cubic foot per second.

The abandoned portion is located as follows:

|         |            |
|---------|------------|
| NE¼ SE¼ | 21.2 ACRES |
| NW¼ SE¼ | 32.2 ACRES |
| SE¼ SE¼ | 5.0 ACRES  |

SECTION 20

TOWNSHIP 13 SOUTH, RANGE 29 EAST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

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

1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former place of use shall **not** be irrigated as part of this water right during the 2001, 2002, 2003, 2004 and 2005 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2005 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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. The use of the remaining water right described by Certificates 26025, 24921, 24922, 24923 and 74275 shall continue to be in accordance with the terms and conditions of Certificates 26025, 24921, 24922, 24923 and 74275.

Certificate 74275 is canceled. The portion of the water right described herein requested to be canceled is canceled. A new certificate will be issued to confirm that portion of the right NOT canceled by this transfer.

WITNESS the signature of the Water Resources

Director, affixed SEP 21 2001.

  
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Paul R. Cleary, Director