

3911 Cheney

Name David Cheney

By _____

Address Cecil Star Route

Ione, OR 97843

Change in Add'l POD

Date filed March 22, 1978

Date of hearing May 3, 1979

Place of hearing Heppner

Date of order 5-22-79 Vol. 32, page 127

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued AUG 27 1985 Vol. 48, page 53377

3911

DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek

Trib. of _____ County of Morrow

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1897, _____

In name of Sarah Ewing, Wm. B. Ewing, H. S. Ewing

Willow Creek Adjudication, Vol. 1, page 73

App. No. _____ Per. No. _____ Cert. No. 137

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3-22-78	35.00	1725
4-19-78	70-	2329
TOTAL . . .		
	0 Cert. Fee	

Gazette Times # 64.17 pd 4/13/79 ck 3225

FEES REFUNDED

Date	Amount	Check No.
4-13-79	3.83	3226

EX 20-
POD 15-
PON 64.13
99.12
927.37
136.12
175-
171.12
3.83
105-
- 32.17
- 2.07
3.83

REMARKS

Surveyed 3/79

See also T-4127 & 4128; see A# 6-5515 for FP map

T-8790/Temp & POW/APDA spe U.55 p 844

W.R.I.S.	
Assembled <u>5-10-85</u> by <u>SM</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	Name	<u>Ref</u>	_____
	Stream	<u>Ref</u>	_____
	Pt. of Div.	<u>Ref</u>	_____
	Calendar	<u>Ref</u>	_____
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>Ref</u>	_____
	Decree-visit	<u>Ref</u>	_____
	Decree-safe	<u>Ref</u>	_____
	Cert. of W/R	<u>Ref</u>	_____
Per. Folder	_____	_____	
Chainindex	_____	_____	
Cross Ref.	_____	_____	
Index Claim	_____	_____	
Abstracts	_____	_____	

ccB

T-3911
(SH)

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE
AND ADDITIONAL POINTS OF APPROPRIATION

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 8790 submitted by

DIAMOND PROPERTIES INVESTMENT CO., LLC
AND CRICKET FLAT DEVELOPMENT CO., LLC
HCR 78
IONE, OREGON 97843.

ATTACHMENT I

1) Certificate 53377; Willow Creek Decree (Vol 1, Page 73):
Irrigation; Priority Date - 1897; Authorized Source - Willow
Creek

Authorized Point of Diversion

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T 2 N, R 23 E, W.M.; 930 Feet South and 470
Feet West from the NE Corner, Section 7

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.

2) Certificate 44992; Permit G-4050: Supplemental Irrigation;
Priority Date - March 27, 1968; Authorized Source - Cheney Well 2

Authorized Point of Appropriation

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170 Feet North and 130 Feet West from the E $\frac{1}{4}$ Corner, Section 17

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

Hynd Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 20, T 2 N, R 23 E, W.M.; 3950 Feet South and 4920 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

3) Certificate 74191; Permit G-10135: Supplemental Irrigation;
Priority Date - April 4, 1983; Authorized Source - Cheney Wells 1 and 2

Authorized Points of Appropriation

Cheney Well 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T 2 N, R 23 E, W.M.; 2440 Feet South and 240 Feet East from the NW Corner, Section 8

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170 Feet North and 2370 Feet East from the Center $\frac{1}{4}$ Corner, Section 7

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53377, 44992 & 74191	2N	23E	8	SESW	1401	1897, 3/27/1968 & 4/4/1983	IRRIG & SUPP	8.8

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53377, 44992 & 74191	2N	23E	18	NESW	2100	1897, 3/27/1968 & 4/4/1983	IRRIG & SUPP	8.8

ATTACHMENT II

1) Certificate 38828; Permit G-4021: Irrigation; Priority Date - March 8, 1968; Authorized Source - Hynd Well 2

Authorized Point of Appropriation

Hynd Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 3950 Feet South and 4920 Feet East from the W $\frac{1}{4}$ Corner, Section 17

Additional Points of Appropriation

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, T 2 N, R 23, E, W.M.; 170 Feet North and 2370 Feet East from the Center, Section 17

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
38828	2N	23E	17	SWSE	1602	3/8/1968	IRRIG	1.0
38828	2N	23E	20	NWNE	1602	3/8/1968	IRRIG	15.1

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
38828	2N	23E	18	NESW	2100	3/8/1968	IRRIG	13.3
38828	2N	23E	18	SESW	2100	3/8/1968	IRRIG	2.8

ATTACHMENT III

1) Certificate 74191; Permit G-10135: Irrigation; Priority Date - April 4, 1983; Authorized Source - Cheney Wells 1 and 2

Authorized Point of Appropriation

Cheney Well 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T 2 N, R 23 E, W.M.; 2440 Feet South and 240 Feet East from the NW Corner, Section 8

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23, E, W.M.; 170 Feet North and 2370 Feet East from the Center, Section 17

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
74191	2N	23E	7	SESW	2101	4/4/1983	IRRIG	3.0
74191	2N	23E	7	SWSE	2101	4/4/1983	IRRIG	1.7
74191	2N	23E	8	SWNW	1201	4/4/1983	IRRIG	9.8
74191	2N	23E	8	NWSW	1201	4/4/1983	IRRIG	3.2
74191	2N	23E	8	NWSW	1401	4/4/1983	IRRIG	0.6
74191	2N	23E	8	SWSE	1401	4/4/1983	IRRIG	1.2
74191	2N	23E	18	NENE	2101	4/4/1983	IRRIG	2.0
74191	2N	23E	18	NWNE	2101	4/4/1983	IRRIG	3.05
74191	2N	23E	18	SWNE	2101	4/4/1983	IRRIG	2.2
74191	2N	23E	18	SENE	2101	4/4/1983	IRRIG	14.4
74191	2N	23E	18	NENW	2101	4/4/1983	IRRIG	0.2
74191	2N	23E	18	NWNW	2101	4/4/1983	IRRIG	2.8
74191	2N	23E	18	SWNW	2101	4/4/1983	IRRIG	0.3
74191	2N	23E	18	SENW	2101	4/4/1983	IRRIG	3.0
74191	2N	23E	18	NESE	2201	4/4/1983	IRRIG	15.2
74191	2N	23E	18	SESE	2201	4/4/1983	IRRIG	14.9

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
74191	2N	23E	7	NESW	1300	4/4/1983	IRRIG	19.3
74191	2N	23E	7	NWSE	1300	4/4/1983	IRRIG	16.4

74191	2N	23E	7	SWSE	1300	4/4/1983	IRRIG	15.8
74191	2N	23E	18	NESW	2100	4/4/1983	IRRIG	3.25
74191	2N	23E	18	SWSE	2200	4/4/1983	IRRIG	13.9
74191	2N	23E	18	SESE	2201	4/4/1983	IRRIG	0.6
74191	2N	23E	19	NENE	1602	4/4/1983	IRRIG	1.0
74191	2N	23E	19	NWNE	1602	4/4/1983	IRRIG	7.3

ATTACHMENT IV

1) Certificate 76075; Willow Creek Decree (Vol 1, Page 73):
Irrigation; Priority Date - 1892 and 1906; Authorized Source -
Willow Creek

Authorized Point of Diversion

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T 2 N, R 23 E, W.M.; 950 Feet South and 550
Feet West from the NE Corner, Section 7

2) Certificate 74191; Permit G-10135: Supplemental Irrigation;
Priority Date - April 4, 1983; Authorized Source - Cheney Wells 1
and 2

Authorized Points of Appropriation

Cheney Well 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T 2 N, R 23 E, W.M.; 2440
Feet South and 240 Feet East from the NW Corner, Section 8

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170
Feet North and 2370 Feet East from the Center $\frac{1}{4}$ Corner, Section 7

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76075 & 74191	2N	23E	7	NENE	1201	1892 & 1906	IRRIG & SUPP	20.5
76075 & 74191	2N	23E	7	SENE	1201	1892 & 1906	IRRIG & SUPP	18.23
76075 & 74191	2N	23E	7	SENE	1201	1892 & 1906	IRRIG & SUPP	2.27
76075 & 74191	2N	23E	7	NESE	1201	1892 & 1906	IRRIG & SUPP	12.4
76075 & 74191	2N	23E	7	SESE	1401	1892 & 1906	IRRIG & SUPP	3.7
76075 & 74191	2N	23E	8	NWSW	1201	1892 & 1906	IRRIG & SUPP	2.2

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76075 & 74191	2N	23E	7	SWNE	1300	1892 & 1906	IRRIG & SUPP	15.4
76075 & 74191	2N	23E	7	SWNE	1300	1892 & 1906	IRRIG & SUPP	9.4

76075 & 74191	2N	23E	7	SESW	1300	1892 & 1906	IRRIG & SUPP	4.6
76075 & 74191	2N	23E	7	SESW	1300	1892 & 1906	IRRIG & SUPP	3.5
76075 & 74191	2N	23E	7	NESW	1300	1892 & 1906	IRRIG & SUPP	1.1
76075 & 74191	2N	23E	7	NWSE	1300	1892 & 1906	IRRIG & SUPP	6.57
76075 & 74191	2N	23E	7	SESW	1300	1892 & 1906	IRRIG & SUPP	18.73

ATTACHMENT V

1) Certificate 53379; Willow Creek Decree (Vol 1, Page 73):
Irrigation; Priority Date - 1892; Authorized Source - Willow
Creek

Authorized Point of Diversion

NE¼ NE¼, Section 7, T 2 N, R 23 E, W.M.; 930 Feet South and 470
Feet West from the NE Corner, Section 7

2) Certificate 44992; Permit G-4050: Supplemental Irrigation;
Priority Date - March 27, 1968; Authorized Source - Cheney Well 2

Authorized Point of Appropriation

Cheney Well 2 - SE¼ NE¼, Section 17, T 2 N, R 23 E, W.M.; 170
Feet North and 130 Feet West from the E¼ Corner, Section 17

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

3) Certificate 74191; Permit G-10135: Supplemental Irrigation; Priority Date - April 4, 1983; Authorized Source - Cheney Wells 1 and 2

Authorized Points of Appropriation

Cheney Well 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T 2 N, R 23 E, W.M.; 2440 Feet South and 240 Feet East from the NW Corner, Section 8

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170 Feet North and 2370 Feet East from the Center $\frac{1}{4}$ Corner, Section 7

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53379, 44992 & 74191	2N	23E	8	SWSW	1401	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	6.3

53379, 44992 & 74191	2N	23E	17	SENE	1401	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	7.6
53379, 44992 & 74191	2N	23E	17	NWNW	1401	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	7.8

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53379, 44992 & 74191	2N	23E	19	NWNE	1602	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	12.8
53379, 44992 & 74191	2N	23E	19	SWNE	1602	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	4.0
53379, 44992 & 74191	2N	23E	19	NENW	1602	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	1.8
53379, 44992 & 74191	2N	23E	19	SENE	1602	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	0.8
53379, 44992 & 74191	2N	23E	17	NENW	1401	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	1.1
53379, 44992 & 74191	2N	23E	17	NWNW	1401	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	0.4
53379, 44992 & 74191	2N	23E	17	SENE	1401	1892, 3/27/1968 & 4/4/1983	IRRIG & SUPP	0.8

ATTACHMENT VI

1) Certificate 53378; Willow Creek Decree (Vol 1, Page 73):
Irrigation; Priority Date - 1892 AND 1906; Authorized Source -
Willow Creek

Authorized Point of Diversion

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T 2 N, R 23 E, W.M.; 950 Feet South and 470
Feet West from the NE Corner, Section 7

2) Certificate 44992; Permit G-4050: Supplemental Irrigation;
Priority Date - March 27, 1968; Authorized Source - Cheney Well 2

Authorized Point of Appropriation

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170
Feet North and 130 Feet West from the E $\frac{1}{4}$ Corner, Section 17

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet
South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet
North and 1600 Feet East from the Center, Section 20

3) Certificate 74191; Permit G-10135: Supplemental Irrigation;
Priority Date - April 4, 1983; Authorized Source - Cheney Wells 1
and 2

Authorized Points of Appropriation

Cheney Well 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T 2 N, R 23 E, W.M.; 2440
Feet South and 240 Feet East from the NW Corner, Section 8

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170
Feet North and 2370 Feet East from the Center $\frac{1}{4}$ Corner, Section 7

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53378, 44992 & 74191	2N	23E	17	NENE	1401	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	2.5
53378, 44992 & 74191	2N	23E	17	NWNE	1401	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	6.5
53378, 44992 & 74191	2N	23E	17	SWNE	1401	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	12.5
53378, 44992 & 74191	2N	23E	17	SENE	1401	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	0.5
53378, 44992 & 74191	2N	23E	17	NENW	1401	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	6.5

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
53378, 44992 & 74191	2N	23E	18	NESW	2100	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	0.3

53378, 44992 & 74191	2N	23E	18	NESW	2100	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	4.5
53378, 44992 & 74191	2N	23E	18	SESW	2100	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	2.0
53378, 44992 & 74191	2N	23E	18	NWSE	2200	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	9.2
53378, 44992 & 74191	2N	23E	18	NWSE	2200	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	10.4
53378, 44992 & 74191	2N	23E	18	SWSE	2200	1892/1906, 3/27/1968 & 4/4/1983	IRRIG & SUPP	2.1

ATTACHMENT VII

1) Certificate 76583; Willow Creek Decree (Vol 1, Page 73):
Irrigation; Priority Date - 1894; Authorized Source - Willow
Creek

Authorized Point of Diversion

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1756 Feet South and
1115 Feet West from the NE Corner, Section 20

2) Certificate 38827; Permit G-2707: Supplemental Irrigation;
Priority Date - June 8, 1964; Authorized Source - Hynd Well 1

Authorized Point of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet
South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

Additional Points of Appropriation

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170 Feet North and 2370 Feet East from the Center $\frac{1}{4}$ Corner, Section 7

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

3) Certificate 38828; Permit G-4021: Supplemental Irrigation; Priority Date - March 8, 1968; Authorized Source - Hynd Well 2

Authorized Points of Appropriation

Hynd Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 3950 Feet South and 4920 Feet East from the W $\frac{1}{4}$ Corner, Section 17

Additional Points of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170 Feet North and 2370 Feet East from the Center $\frac{1}{4}$ Corner, Section 7

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76583, 38827 & 38828	2N	23E	17	SWSE	1602	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	4.9

76583, 38827 & 38828	2N	23E	17	SESE	1602	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	6.5
76583, 38827 & 38828	2N	23E	20	NENE	1602	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	15.35
76583, 38827 & 38828	2N	23E	20	NWNE	1600	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	14.9

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76583, 38827 & 38828	2N	23E	18	SESW	2200	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	8.5
76583, 38827 & 38828	2N	23E	18	SWSE	2200	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	7.5
76583, 38827 & 38828	2N	23E	19	NWNE	1602	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	5.1
76583, 38827 & 38828	2N	23E	19	NENW	1602	1894, 6/8/1964 & 3/8/1968	IRRIG & SUPP	20.55

ATTACHMENT VIII

1) Certificate 76582; Willow Creek Decree (Vol 1, Page 73):
Irrigation; Priority Date - 1903; Authorized Source - Willow
Creek

Authorized Point of Diversion

SE¼ NE¼, Section 20, T 2 N, R 23 E, W.M.; 1756 Feet South and 1115 Feet West from the NE Corner, Section 20

2) Certificate 38828; Permit G-4021: Supplemental Irrigation; Priority Date - March 8, 1968; Authorized Source - Hynd Well 2

Authorized Points of Appropriation

Hynd Well 2 - SE¼ NE¼, Section 20, T 2 N, R 23 E, W.M.; 3950 Feet South and 4920 Feet East from the W¼ Corner, Section 17

Additional Points of Appropriation

Hynd Well 1 - SE¼ SE¼, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet South and 4820 Feet East from the W¼ Corner, Section 17

Cheney Well 2 - SE¼ NE¼, Section 17, T 2 N, R 23 E, W.M.; 170 Feet North and 2370 Feet East from the Center ¼ Corner, Section 7

New Well - SE¼ NE¼, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76582 & 38828	2N	23E	20	SENE	1602	1903 & 3/8/1968	IRRIG & SUPP	10.0

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76582 & 38828	2N	23E	19	NENE	1602	1903 & 3/8/1968	IRRIG & SUPP	2.7

76582 & 38828	2N	23E	19	NWNE	1602	1903 & 3/8/1968	IRRIG & SUPP	7.3
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ATTACHMENT IX

1) Certificate 76583; Willow Creek Decree (Vol 1, Page 73):
Irrigation; Priority Date - 1894; Authorized Source - Willow
Creek

Authorized Point of Diversion

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1756 Feet South and
1115 Feet West from the NE Corner, Section 20

2) Certificate 38827; Permit G-2702: Supplemental Irrigation;
Priority Date - June 8, 1964; Authorized Source - Hynd Well 1

Authorized Point of Appropriation

Hynd Well 1 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 1950 Feet
South and 4820 Feet East from the W $\frac{1}{4}$ Corner, Section 17

Additional Points of Appropriation

Cheney Well 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T 2 N, R 23 E, W.M.; 170
Feet North and 2370 Feet East from the Center $\frac{1}{4}$ Corner, Section 7

New Well - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T 2 N, R 23 E, W.M.; 1000 Feet
North and 1600 Feet East from the Center, Section 20

FROM LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76583 & 38827	2N	23E	17	NESE	1602	1894 & 6/8/1964	IRRIG & SUPP	1.9

76583 & 38827	2N	23E	17	NWSE	1602	1894 & 6/8/1964	IRRIG & SUPP	18.5
76583 & 38827	2N	23E	17	SWSE	1602	1894 & 6/8/1964	IRRIG & SUPP	7.2
76583 & 38827	2N	23E	17	SESE	1602	1894 & 6/8/1964	IRRIG & SUPP	11.8

TO LANDS								
W/R#	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76583 & 38827	2N	23E	18	SWNE	2101	1894 & 6/8/1964	IRRIG & SUPP	6.4
76583 & 38827	2N	23E	18	SENE	2101	1894 & 6/8/1964	IRRIG & SUPP	11.4
76583 & 38827	2N	23E	18	NESW	2100	1894 & 6/8/1964	IRRIG & SUPP	8.5
76583 & 38827	2N	23E	18	NWSE	2200	1894 & 6/8/1964	IRRIG & SUPP	6.1
76583 & 38827	2N	23E	19	NWNE	1602	1894 & 6/8/1964	IRRIG & SUPP	6.9
76583 & 38827	2N	23E	19	SWNE	1602	1894 & 6/8/1964	IRRIG & SUPP	0.1

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

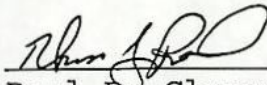
1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2001, 2002, 2003, 2004 and 2005 irrigation seasons.

3. The use shall revert to the authorized places 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 changes cause injury to any existing water right.
5. 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 water user shall report monthly to the Ground Water Section both the rate and total volume of water used from each well and stream point of diversion involved in this transfer. The method for measuring and computing water use shall be consistent with ORS 690-85-015.

In addition, the water user shall measure and report monthly to the Ground Water Section both the static water levels and pumping water levels for each of the wells involved in this transfer.

WITNESS the signature of the Water Resources

Director, affixed AUG 09 2001.


for Paul R. Cleary, Director

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE
AND ADDITIONAL POINTS OF APPROPRIATION

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 8449 submitted by

DIAMOND PROPERTY INVESTMENT COMPANY, LLC, AND
CRICKET FLAT DEVELOPMENT COMPANY, LLC
HCR 78
IONE, OREGON 97843.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County as evidenced by a PORTION of Certificate 76075. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 73. The dates of priority are 1892 FOR 20.0 ACRES and 1906 FOR 20.0 ACRES.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 40.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second under priority 1892, and 0.34 cubic foot per second under priority 1906, if available at the authorized point of diversion: NE¼ NE¼, SECTION 7, T 2 N, R 23 E, W.M.; 950 FEET SOUTH AND 550 FEET WEST FROM THE NE CORNER OF SECTION 7, 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 authorized place of use is located as follows:

	<u>1892</u>	<u>1906</u>
NE¼ NE¼		10.0 ACRES
SE¼ NE¼	1.7 ACRES	10.0 ACRES
NE¼ SE¼	12.4 ACRES	
SE¼ SE¼	3.7 ACRES	
SECTION 7		
NW¼ SW¼	2.2 ACRES	
SECTION 8		

TOWNSHIP 2 NORTH, RANGE 23 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 TEMPORARILY change the place of use to:

	<u>1892</u>	<u>1906</u>
SW¼ NE¼	9.4 ACRES	15.4 ACRES
SE¼ NW¼	3.5 ACRES	4.6 ACRES
NE¼ SW¼	1.1 ACRES	
NW¼ SE¼	6.0 ACRES	
SECTION 7		

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County as evidenced by a PORTION of Certificate 53379. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 73. The date of priority is 1892.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 21.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.36 cubic foot per second, if available at the original points of diversion: EWING AND HIGHLINE DITCHES, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 7, T 2 N, R 23 E, W.M.; 930 FEET SOUTH
AND 470 FEET WEST FROM THE NE CORNER OF SECTION 7.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.3 ACRES
SECTION 8

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.8 ACRES
SECTION 17

TOWNSHIP 2 NORTH, RANGE 23 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 TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.1 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.4 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE
SECTION 17

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.4 ACRES
SECTION 19

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The third right to be modified was confirmed by decree of the
Circuit Court of the State of Oregon for MORROW County as
evidenced by a PORTION of Certificate 75806. The decree is
recorded in the Order Record of the Water Resources Director in
Volume 1, at Page 73. The dates of priority are 1892 for 19.0
ACRES and 1906 for 9.5 ACRES.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 28.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 cubic foot per second with priority 1892, and 0.16 cubic foot per second with priority 1906, if available at the original points of diversion: EWING, HIGHLINE, DESERTLAND, KIRTZLER, UNDERGROUND, AND MURPHY DITCHES, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 7, T 2 N, R 23 E, W.M.; 930 FEET SOUTH AND 470 FEET WEST FROM THE NE CORNER OF SECTION 7.

The authorized place of use is located as follows:

	<u>1892</u>	<u>1906</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$		2.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		6.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.5 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$		0.5 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.5 ACRES	
SECTION 17		

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The applicant proposes to TEMPORARILY change the place of use to:

	<u>1892</u>	<u>1906</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.5 ACRES	0.3 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.4 ACRES	9.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.1 ACRES	
SECTION 18		

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The fourth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County as evidenced by a PORTION of Certificate 76583. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 73. The date of priority is 1894.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 121.05 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.0 cubic feet per second, if available at the original point of diversion: HIGHLINE DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T 2 N, R 23 E, W.M.; 1756 FEET SOUTH AND 1115 FEET WEST FROM THE NE CORNER OF SECTION 20.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.20 ACRES
SECTION 16

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.90 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.50 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11.30 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.70 ACRES
SECTION 17

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.56 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.66 ACRES
SECTION 20

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.53 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.50 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.20 ACRES
SECTION 21

TOWNSHIP 2 NORTH, RANGE 23 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 TEMPORARILY change the place of use to:

SW¼ NE¼ 6.40 ACRES
SE¼ NW¼ 11.40 ACRES
NE¼ SW¼ 8.50 ACRES
SE¼ SW¼ 11.30 ACRES
NW¼ SE¼ 6.10 ACRES
SW¼ SE¼ 24.00 ACRES
SE¼ SE¼ 1.60 ACRES
SECTION 18

NE¼ NE¼ 5.00 ACRES
NW¼ NE¼ 20.20 ACRES
SW¼ NE¼ 3.00 ACRES
NE¼ NW¼ 23.55 ACRES
SECTION 19

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The fifth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County as evidenced by a PORTION of Certificate 53377. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 73. The date of priority is 1897 for 8.8 ACRES.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 8.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the original point of diversion: EWING, DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized points of diversion are as follows:

NE¼ NE¼, SECTION 7, T 2 N, R 23 E, W.M.; 930 FEET SOUTH AND 470 FEET WEST FROM THE NE CORNER, SECTION 7.

NE¼ NE¼. SECTION 20, T 2 N, R 23 E, W.M.; (EWING DITCH).

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.8 ACRES
SECTION 8

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The applicant proposes to TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.8 ACRES
SECTION 18

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The sixth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County as evidenced by Certificate 76582. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 73. The date of priority is 1903.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 10.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the original point of diversion: HIGHLINE DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T 2 N, R 23 E, W.M.; 1756 FEET SOUTH AND 1115 FEET WEST FROM THE NE CORNER OF SECTION 20.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.00 ACRES
SECTION 20

TOWNSHIP 2 NORTH, RANGE 23 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 TEMPORARILY change the place of use to:

NW¼ NE¼ 4.3 ACRES
SW¼ NE¼ 1.2 ACRES
NE¼ NW¼ 2.6 ACRES
SE¼ NW¼ 1.9 ACRES
SECTION 19

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The seventh right to be modified, as evidenced by a PORTION of Certificate 38827, was perfected under Permit G-2702 with a date of priority of June 8, 1964. The right allows the use of HYND WELL (1), in the WILLOW CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 119.35 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.62 cubic foot per second, if available at the original well; SE¼ SE¼, SECTION 17, T 2 N, R 23 E, W.M.; 1950 FEET SOUTH AND 4820 FEET EAST FROM THE W¼ CORNER OF SECTION 17, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 3.0 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 as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.20 ACRES
SECTION 16

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.90 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.50 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11.30 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.70 ACRES
SECTION 17

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.56 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.66 ACRES
SECTION 20

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.53 ACRES
SECTION 21

TOWNSHIP 2 NORTH, RANGE 23 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.

The applicant proposes to TEMPORARILY change the place of use to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.40 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.40 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.50 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.30 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.10 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 24.00 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.60 ACRES
SECTION 18

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.00 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.10 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.00 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 21.95 ACRES
SECTION 19

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The applicant proposes to TEMPORARILY add additional points of appropriation located:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T 2 N, R 23 E, W.M.; CHENEY WELL 2 - 170 FEET NORTH AND 130 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 17, also described as 170 FEET NORTH AND 2370 EAST FROM THE C $\frac{1}{4}$ OF SECTION 17;

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T 2 N, R 23 E, W.M.; NEW WELL - 1000 FEET NORTH AND 1600 FEET EAST FROM THE C $\frac{1}{4}$ CORNER OF SECTION 20.

The eighth right to be modified, as evidenced by a PORTION of Certificate 38828, was perfected under Permit G-4021 with a date of priority of MARCH 8, 1968. The right allows the use of a WELL (HYND WELL 2), in the WILLOW CREEK BASIN, for IRRIGATION of 16.10 ACRES and SUPPLEMENTAL IRRIGATION OF 88.85 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.14 cubic feet per second, if available at the original well; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T 2 N, R 23 E, W.M.; 3950 FEET SOUTH AND 4920 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 3.0 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 as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW¼ SW¼		4.20 ACRES
	SECTION 16	
SW¼ SE¼	1.00 ACRE	1.30 ACRES
SE¼ SE¼		14.90 ACRES
	SECTION 17	
NE¼ NE¼		39.56 ACRES
NW¼ NE¼	15.10 ACRES	11.66 ACRES
SE¼ NE¼		10.00 ACRES
	SECTION 20	
NW¼ NW¼		5.53 ACRES
SW¼ NW¼		0.50 ACRE
NW¼ SW¼		1.20 ACRES
	SECTION 21	

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The applicant proposes to TEMPORARILY change the place of use to:

	<u>PRIMARY</u> <u>POU AND POA</u>	<u>SUPPLEMENTAL</u> <u>POU AND APOA</u>
NE¼ SW¼	13.30 ACRES	
SE¼ SW¼	2.80 ACRES	11.30 ACRES
SW¼ SE¼		24.00 ACRES
SE¼ SE¼		1.60 ACRES
	SECTION 18	
NE¼ NE¼		5.00 ACRES
NW¼ NE¼		20.30 ACRES
SW¼ NE¼		1.20 ACRES
NE¼ NW¼		23.55 ACRES
SE¼ NW¼		1.90 ACRES
	SECTION 19	

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The applicant proposes to TEMPORARILY change the point of appropriation and add additional points of appropriation located:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 17, T 2 N, R 23 E, W.M.; HYND WELL 1 - 1950 FEET SOUTH AND 4820 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 17;

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T 2 N, R 23 E, W.M.; CHENEY WELL 2 - 170 FEET NORTH AND 130 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 17, also described as 170 FEET NORTH AND 2370 EAST FROM THE C $\frac{1}{4}$ OF SECTION 17;

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T 2 N, R 23 E, W.M.; NEW WELL - 1000 FEET NORTH AND 1600 FEET EAST FROM THE C $\frac{1}{4}$ CORNER OF SECTION 20.

The ninth right to be modified, as evidenced by a PORTION of Certificate 44992, was perfected under Permit G-4050 with a date of priority of MARCH 27, 1968. The right allows the use of a WELL (CHENEY WELL 2), in the WILLOW CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 59.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.74 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T 2 N, R 23 E, W.M.; 170 FEET NORTH AND 130 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 17, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 3.0 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 as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.3 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.8 ACRES
SECTION 8

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.5 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.1 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.8 ACRES
SECTION 17

TOWNSHIP 2 NORTH, RANGE 23 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.

The applicant proposes to TEMPORARILY change the place of use to:

	<u>POU ONLY</u>	<u>APOA AND POU</u> HYND WELL 1 HYND WELL 1 AND NEW WELL HYND WELL 2
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.1 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ACRE	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRE	

SECTION 17

NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES	8.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.6 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.1 ACRES	

SECTION 18

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.8 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES

SECTION 19

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The applicant proposes to TEMPORARILY add additional points of appropriation located:

SE¼ SE¼, SECTION 17, T 2 N, R 23 E, W.M.; HYND WELL 1 - 1950 FEET SOUTH AND 4820 FEET EAST FROM THE W¼ CORNER OF SECTION 17.

SE¼ NE¼, SECTION 20, T 2 N, R 23 E, W.M.; HYND WELL 2 - 3950 FEET SOUTH AND 4920 FEET EAST FROM THE W¼ CORNER OF SECTION 17.

SE¼ NE¼, SECTION 20, T 2 N, R 23 E, W.M.; NEW WELL - 1000 FEET NORTH AND 1600 FEET EAST FROM THE C¼ CORNER OF SECTION 20.

The tenth right to be modified, as evidenced by a PORTION of Certificate 74191, was perfected under Permit G-10135 with a date of priority of APRIL 4, 1983. The right allows the use of TWO WELLS, in the WILLOW CREEK BASIN, for IRRIGATION OF 73.25 ACRES AND SUPPLEMENTAL IRRIGATION OF 70.50 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 377 GALLONS PER MINUTE (GPM), being 126 GPM from (CHENEY) WELL 1 AND 251 GPM FROM (CHENEY) WELL 2, if available at the original wells; SW¼ NW¼, SECTION 8; SE¼ NE¼, SECTION 17; T 2 N, R 23 E, W.M.; (CHENEY) WELL 1 - 2440 FEET SOUTH AND 240 FEET EAST FROM THE NW CORNER OF SECTION 8; (CHENEY) WELL 2 - 170 FEET NORTH AND 2370 FEET EAST FROM THE C¼ CORNER OF SECTION 17, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. Provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing 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 as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE¼ NE¼		10.00 ACRES
SE¼ NE¼		11.70 ACRES
SE¼ SW¼	3.00 ACRES	
NE¼ SE¼		12.40 ACRES
SW¼ SE¼	1.70 ACRES	
SE¼ SE¼		3.70 ACRES
SECTION 7		
SW¼ NW¼	5.50 ACRES	
NW¼ SW¼	3.80 ACRES	2.20 ACRES
SW¼ SW¼		6.30 ACRES
SE¼ SW¼		8.80 ACRES
SW¼ SE¼	1.20 ACRES	
SECTION 8		
SE¼ NE¼		7.60 ACRES
NW¼ NW¼		7.80 ACRES
SECTION 17		
NE¼ NE¼	2.00 ACRES	
NW¼ NE¼	3.05 ACRES	
SW¼ NE¼	2.20 ACRES	
SE¼ NE¼	14.40 ACRES	
NE¼ NW¼	0.20 ACRE	
NW¼ NW¼	2.80 ACRES	
SW¼ NW¼	0.30 ACRE	
SE¼ NW¼	3.00 ACRES	
NE¼ SE¼	15.20 ACRES	
SE¼ SE¼	14.90 ACRES	
SECTION 18		

TOWNSHIP 2 NORTH, RANGE 23 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.

The applicant proposes to TEMPORARILY change the place of use to:

	<u>APOA AND POU</u>	
	HYND WELL 1	HYND WELL 1
	AND	AND
<u>POU ONLY</u>	<u>NEW WELL</u>	<u>HYND WELL 2</u>

PRIMARY

NE $\frac{1}{4}$ SW $\frac{1}{4}$	19.30 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	18.50 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16.40 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.80 ACRES

SECTION 7

NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.25 ACRES
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SECTION 18

SUPPLEMENTAL

SW $\frac{1}{4}$ NE $\frac{1}{4}$	24.80 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.10 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.10 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.00 ACRES

SECTION 7

NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.10 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.40 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.80 ACRE

SECTION 17

NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.80 ACRES
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SECTION 18

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.80 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.20 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.40 ACRES

SECTION 19

TOWNSHIP 2 NORTH, RANGE 23 EAST, W.M.

The applicant proposes to TEMPORARILY add the following additional points of appropriation to (Cheney) Well 2:

SE¼ SE¼, SECTION 17, T 2 N, R 23 E, W.M.; HYND WELL 1 -
1950 FEET SOUTH AND 4820 FEET EAST FROM THE W¼ CORNER OF
SECTION 17.

SE¼ NE¼, SECTION 20, T 2 N, R 23 E, W.M.; HYND WELL 2 -
3950 FEET SOUTH AND 4920 FEET EAST FROM THE W¼ CORNER OF
SECTION 17.

SE¼ NE¼, SECTION 20, T 2 N, R 23 E, W.M.; NEW WELL -
1000 FEET NORTH AND 1600 FEET EAST FROM THE C¼ CORNER OF
SECTION 20.

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

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2001, 2002, 2003, 2004, and 2005 irrigation seasons.
3. The uses shall revert to the authorized places 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. The use of the remaining water rights described by Certificates 76583, 76582, 76075, 75806, 74191, 53379, 53377, 44992, 38828, and 38827, shall continue to be in accordance with the terms and conditions of Certificates 76583, 76582, 76075, 75806, 74191, 53379, 53377, 44992, 38828, and 38827.

WITNESS the signature of the Water Resources

Director, affixed NOV 17 2000.


Paul R. Cleary, Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAVID CHENEY FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER FROM WILLOW CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 3911

On March 22, 1978, an application was filed in the office of the Water Resources Director by David Cheney for approval of an additional point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 137, Volume 1, State Record of Water Right Certificates, in the name of Sarah Ewing, describes a right for the use of water from Willow Creek for domestic (stock use) and for the use of not to exceed 0.53 cubic foot per second from Willow Creek for irrigation of 31.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 2 North, Range 23 East, W.M., with a date of priority of 1897.

Water for said right is diverted, through the Ewing Ditch, from a point located 1160 feet South and 1000 feet West from the Northeast Corner of Section 20, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 2 North, Range 23 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 1010 feet South and 792 feet West from the Northeast Corner of Section 7, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 2 North, Range 23 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Heppner Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of March 8, 15 and 22, 1979.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not

exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

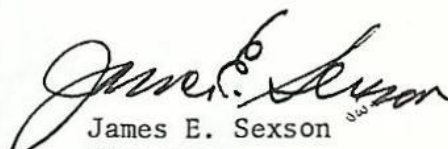
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the additional point of diversion established on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 137, Volume 1, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 22nd day of May, 1979.


James E. Sexson
Director

Compared-M. B. W.

RECEIVED

JAN 15 1979

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MORROW.

WATER RESOURCES DEPT.
SALEM, OREGON

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That SARAH EWING,
of Cecil, State of Oregon, has a right to the use of
the waters of WILLOW CREEK, tributary to the Columbia River, in Morrow County,
Oregon,

for the purposes of irrigation and domestic use, (irrigation during the irrigation
season)

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Morrow County, and the said decree entered of record at Salem,
in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at
page 73 ; that the priority of the right hereby confirmed dates from 1897;

that the amount of water to which such right is entitled and hereby confirmed for the
purposes aforesaid, is limited to an amount actually beneficially used for said pur-
poses, and shall not exceed 0.53 cubic feet per second.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows:

Thirty-one and one-half ($31\frac{1}{2}$) acres in SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 8, Tp. 2 N. R. 23
E., W. M., in Morrow County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

WITNESS the seal and signature of the Board
of Control, affixed this 29th day
of November, 19 11.

BOARD OF CONTROL

(Seal of Board of Control)

By JOHN H. LEWIS,
State Engineer, President

Attest:

M. B. Wann,
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 137

T-3911

NOTICE OF WATER RIGHT
TRANSFER APPLICATIONS
NOS. 3911, 4127 & 4128

Notice is given hereby that applications have been filed in the office of the Water Resources Director by David Cheney for approval of an additional point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 137, Volume 1, State Record of Water Right Certificates, in the name of Sarah Ewing, describes a right for the use of water from Willow Cr. for domestic (stock use) and for the use of not to exceed 0.53 cubic foot per second of water from Willow Cr. for irrigation of 31.5 ac in SE¼ SW¼ of Sec 8, T 2N, T 23E, WM, with a date of priority of 1897. Water for this right is diverted, through the Ewing Ditch, from a point located 1160 ft S & 1000 ft W from the NE Corner of Sec 20, being within the NE¼ NE¼ of Sec 20, T 2N, R 23E, WM.

The certificate recorded at page 139, Volume 1 of said record, in the name of H.S. Ewing, describes a right for the use of water from Willow Cr. for domestic (stock use) with a date of priority of 1875 and for the use of not to exceed 1.27 cfs from Willow Cr. for irrigation of 75.52 ac in SE¼ SE¼ of Sec 7, SW¼ SW¼ of Sec 8 and S½ NE¼ and NW¼ NW¼ of Sec 17, T 2N, R 23E, WM, with a date of priority of 1892. Water for this right is diverted, through the Ewing

Can shall be strong, water-tight, rodent and insect proof, not more than 30 gallon capacity, and shall have handles at the sides and light fitting lids. All containers shall be lined with paper or plastic bags. Kitchen refuse must be drained of all moisture and completely wrapped in paper before placing in the container. It shall be the responsibility of the customer to keep the container clean and free of odor and the area around the container in a neat and sanitary condition. Cans shall

be allowed after April 1. Burning of garbage will be stopped. No further week, the collection service will not comply by the following time, and if a customer does notice will be issued at that time. A warning of burning barrels to the use of covered the transition from burning

THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Dept. upon request.

Dated at Salem, Oregon this 26th day of February, 1979.

James E. Sexson
Director

Published March 8, 15, 22, 1979

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Morrow } ss:

I, Terry M. Hager

being first duly sworn, depose and say that I am the Managing Editor of the HEPPNER GAZETTE-TIMES, a newspaper of general circulation, as defined by O.R.S. 193.010 and 193.020; printed and published at Heppner, Oregon: that the Notice of Water Right Transfer Applications Nos. 3911,

4127 & 4128

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: March 8, 15
& 22, 1979

Subscribed and sworn before me this

30th day of March, 1979.

Eileen K. Salting
Notary Public for Oregon

My Commission Expires: May 25, 1982
(SEAL)

RECEIVED

APR 03 1979

WATER RESOURCES DEPT.
SALEM, OREGON