

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A CHANGE IN PLACE OF USE  
AND 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 8600 submitted by

CRAIG AND MARK R. WARD  
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The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 73405 (TRACT 22). The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1889.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION OF 3.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 cubic foot per second, if available at the authorized point of diversion:

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.

SATTERBURG WEST - NE¼ SE¼, SECTION 8, T 9 S, R 40 E, W.M.; 1560 FEET NORTH AND 290 FEET WEST FROM THE SE CORNER, SECTION 8, 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, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SW¼ NW¼ 3.3 ACRES  
SECTION 8  
TOWNSHIP 9 SOUTH, RANGE 40 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 73599, was perfected under Permit 32932 with a date of priority of JUNE 19, 1958. The right allows the use of PHILLIPS LAKE RESERVOIR, a tributary of POWDER RIVER, for SUPPLEMENTAL IRRIGATION OF 3.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount necessary to make up the deficiency in supply of the primary 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 from direct flow, and 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from both direct flow and stored water, provided further that the right allowed herein shall be limited to the use of stored water

only on the lands described as Supplemental Irrigation from storage.

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

The authorized place of use is located as follows:

SW $\frac{1}{4}$  NW $\frac{1}{4}$  3.3 ACRES  
SECTION 8  
TOWNSHIP 9 SOUTH, RANGE 40 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 place of use to:

NW $\frac{1}{4}$  NW $\frac{1}{4}$  0.2 ACRE  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  3.1 ACRES  
SECTION 9  
TOWNSHIP 9 SOUTH, RANGE 40 EAST, W.M.

The applicant further proposes to change the point of diversion to:

EPPINGER - NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 9, T 9 S, R 40 E, W.M.; 40 FEET SOUTH AND 2640 FEET EAST FROM THE CENTER OF SECTION 8,

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, 2004.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.

3. **Prior** to diverting water from the new point of diversion, 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. 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 the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The former place of use shall no longer be irrigated as a part of this water right.
7. 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.

Except as modified herein, all other conditions and restrictions on Certificates 73405 and 73599 remain in effect.

When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm those portions of the rights not modified by this or any other order.

WITNESS the signature of the Water Resources

Director, affixed JUL 17 2003.

  
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Paul R. Cleary, Director