

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN 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 8356 submitted by

ROBERT D. JELLUM
62358 EVERGREEN ROAD
LAGRANDE, OREGON 97850.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by a PORTION of Certificate 11449. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1870.

The right allows the use of the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 9.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH of one cubic foot per second per acre, if available at the authorized point of diversion: NESSLEY DITCH, 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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.3 ACRES
SECTION 33
TOWNSHIP 2 SOUTH, RANGE 38 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:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T 2 S, R 38 E, W.M.; 1858 FEET SOUTH AND 81 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 31.

An affidavit was received from Robert Jellum, owner of certain land and the water right appurtenant to it. A portion of Certificate 11449 has been abandoned and is requested to be canceled.

The water right is a portion of the right described by Certificate 11449, State Record of Water Right Certificates. The abandoned water right is from the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER. The date of priority is 1870. The abandoned right is for IRRIGATION OF 0.7 ACRE.

A description of the place of use of the abandoned right is as follows:

NE¼ NW¼ 0.7 ACRE
SECTION 33
TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

ORS 540.621 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."

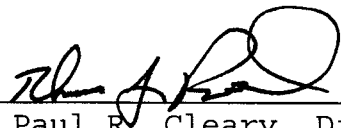
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED WHEN THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. 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 lawfully available at the original point of diversion.
3. **PRIOR** to the diversion of water at 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. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 11449 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer and cancellation. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed SEP 05 2003.


For Paul R. Cleary, Director