

**BEFORE THE WATER RESOURCES DEPARTMENT
FOR THE
STATE OF OREGON**

Order of Proper Proof of an Additional Point of)
 Diversion and a Correction to a Certificate under) Final Order
 Transfer T-8697)

THIS ORDER ISSUED TO:

UNITED STATE OF AMERICA
 3895 10TH ST
 BAKER CITY OR 97814

BAKER VALLEY IRRIGATION DISTRICT
 6895 10TH ST
 BAKER CITY OR 97814

confirms the right of record to use the waters of POWDER RIVER AND STORAGE FROM PHILLIPS LAKE RESERVOIR CONSTRUCTED UNDER PERMIT R-5083, A TRIBUTARY OF SNAKE RIVER for IRRIGATION OF 19.8 ACRES.

This right was perfected under Permit 32932. The date of priority is June 19, 1958. The right is limited to 0.5 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	40 E	WM	5	SE NE	POINT 22 (COMPANY EAST) (ORIGINAL) - 1600 FEET SOUTH AND 280 FEET WEST FROM NE CORNER, SECTION 5
9 S	40 E	WM	5	NE SE	POINT 20 (MCENROE EAST) (ORIGINAL) - 2250 FEET NORTH AND 320 FEET WEST FROM SE CORNER, SECTION 5
9 S	40 E	WM	8	NE NE	POINT 18 (ESTES WEST) (ADDITIONAL) - 110 FEET SOUTH AND 600 FEET WEST FROM NE CORNER, SECTION 8

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	POD #
8 S	40 E	WM	33	SE SW	6.1	18, 22
9 S	40 E	WM	4	SW NE	5.7	18, 20
9 S	40 E	WM	4	SE NW	8.0	18, 20

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The quantity of water diverted at the additional point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

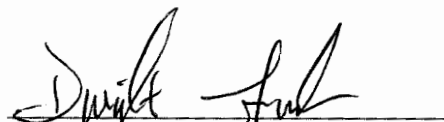
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The right to the use of the water is restricted to beneficial use at the place of use described.

This order is issued to confirm AN ADDITIONAL POINT OF DIVERSION and correction to the certificate approved by an order of the Water Resources Director entered September 27, 2006, at Special Order Volume 70, Page 272, approving Transfer Application 8697, affecting a portion of Certificate 73599, State record of Water Right Certificates.

The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

Issued MAR 17 2017



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department