

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING AN ADDITIONAL 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 8740 submitted by

OLIVER AND CHRISTIE WILDE
44142 BANTA RD.
BAKER CITY, OR 97814

The 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 74041. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Pages 291. The date of priority is 1888. The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION OF 63.70 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.59 cubic feet per second if available at the point of diversion: DUNCAN DITCH - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T 7 S, R 41 E, W.M.; 1050 FEET NORTH AND 2420 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per acres to which water is applied, during the irrigation season of each year.

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

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.60

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.10

SECTION 20

TOWNSHIP 8 SOUTH, RANGE 42 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 add an additional point of diversion to:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 17, T 8 S, R 42 E, W.M.; 650 FEET NORTH AND 2540 FEET WEST FROM THE SE CORNER, SECTION 17.

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

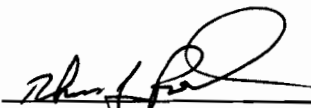
1. The proposed change shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, in total shall not exceed the quantity of water lawfully available at the original point of diversion. Water must be available at the original point of diversion before it can be diverted at the new point of diversion.
3. Prior to diverting, 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.
5. The water user shall begin a diversion monitoring program that shall include the rate and duty of water appropriated and must keep a daily record of how much water is being appropriated at both the old point of diversion and the new additional point of diversion. The flow data shall be available to the Watermaster promptly on request. The water user shall supply to the Watermaster an annual report of water use and monitoring data. Monitoring data shall be provided to the Watermaster in a reasonable summary format, approved beforehand by the Watermaster, by December 31 of each year.

Certificate 74041 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 NOV 09 2001.


For Paul R. Cleary, Director