

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN PLACE OF USE, POINT OF DIVERSION
AND PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 540.510 to 540.530 and ORS 540.621 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 8382 submitted by

JAQUETTA L. ZURBRICK
63521 HALLEY 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 79513. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1872.

The right allows the use of the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 90.2 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

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.

one cubic foot per second per acre, or its equivalent for each acre irrigated, if available at the authorized point of diversion: SW¼ SW¼, SECTION 31, T 2 S, R 38 E, W.M.; ORODELL DITCH, 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 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:

NE¼ SE¼ 31.35 ACRES (POU & POD CHANGE)
NE¼ SE¼ 7.75 ACRES (POD CHANGE ONLY)
NW¼ SE¼ 39.10 ACRES (POD CHANGE ONLY)

SECTION 22

NW¼ SW¼ 12.00 ACRES (POD CHANGE ONLY)

SECTION 28

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 place of use to:

NE¼ SW¼ 2.75 ACRES (TAX LOT 800)
NW¼ SW¼ 25.60 ACRES (TAX LOT 600)
NW¼ SE¼ 3.00 ACRES (TAX LOT 2200)

SECTION 28

TOWNSHIP 2 SOUTH, RANGE 38 EAST W.M.

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

SW¼ SW¼, SECTION 31, T 2 S, R 38 E, W.M.; 1858.33 FEET SOUTH AND 80.84 FEET EAST FROM THE W¼ CORNER, SECTION 31.

An affidavit was received from the John Lamoreau, Colleen MacLeod and Steve McClure, elected commissioners for Union County which is the owner of certain land and the water right appurtenant to it. Portions of the water right have been abandoned and are requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 79513, State Record of Water Right Certificates. The date of priority is 1872.

The abandoned water right is for 0.045 cubic foot per second from the GRANDE RONDE RIVER, tributary of the SNAKE RIVER, for IRRIGATION OF 1.80 ACRES. The place of use is located as follows:

NE¼ SE¼ 0.9 ACRE

NW¼ SE¼ 0.9 ACRE

SECTION 22

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

ORS 540.610 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."

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

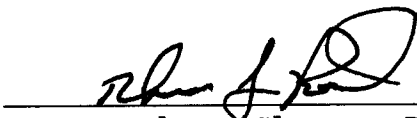
1. The proposed changes shall be completed on or before October 1, 2004.

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 the diverting 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.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 79513 is canceled. A new certificate will be issued to confirm that portion of the rights NOT involved in this transfer. When satisfactory proof of the completed changes are received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed AUG 07 2003.



Paul R. Cleary, Director