

STATE OF OREGON

COUNTY OF UMATILLA

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 7173 submitted by

ROBERT C. AND LORNA ROSE  
4405 SW LAKE DRIVE  
PENDLETON, OREGON 97801

RON AND BETTY DIRKES  
1711 SW CHERYL AVENUE  
PENDLETON, OREGON 97801.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by a PORTION of Certificate 55330. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 454. The date of priority is JANUARY 1904.

The right allows the use of MCKAY CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION OF 20.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.26 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 34, T 2 N, R 32 E, WM; 2700 FEET SOUTH AND 1900 FEET EAST FROM THE NORTHWEST CORNER, SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$             13.0 ACRES (ROSE)  
SE $\frac{1}{4}$  NW $\frac{1}{4}$             7.0 ACRES (DIRKES)  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 32 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 applicants proposes to change the point of diversion to:

NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 34, T 2 N, R 32 E, WM; 475 FEET SOUTH AND 2000 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 34.

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, 1999.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. 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 55330 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 November 26, 1997.

  
\_\_\_\_\_  
Martha O. Pagel, Director