

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

AND CANCELING A PORTION OF A RIGHT

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 7749 submitted by

WILSON CATTLE COMPANY, INC.
P.O. BOX 129
NORTH POWDER, OREGON 97867

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County. The right is tabulated in the name of J.S. DAVIS. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1887.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 30.0 ACRES. This right is limited to 0.75 cubic foot per second from March 1st to July 1st and 0.38 cubic foot per second from July 1st to October 1st of each year; the total quantity diverted during each irrigation season not to exceed 75 acre feet.

The authorized point of diversion is: DAVIS-KELSEY DITCH, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 35, TOWNSHIP 6 SOUTH, RANGE 38 EAST, WM., being 930 feet North and 70 feet East of the center of Section 35.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
SECTION 35
TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.

The right to use the 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 said decree.

The applicant proposes to change the point of diversion located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 27, TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M., being 2270 feet North and 440 feet East of SW corner of said Section 27.

U51 P1359

An affidavit was received from John S. Wilson, authorized agent of Wilson Cattle Company, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 1456, State Record of Water Right Certificates. The abandoned water right is from NORTH POWDER RIVER, a tributary of POWDER RIVER. The date of priority is 1887. The abandoned water right is for DOMESTIC USE.

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

NE¼ NE¼
SECTION 35
TOWNSHIP 6 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 THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

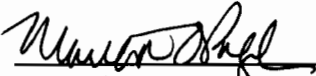
1. The proposed change shall be completed on or before October 1, 1999.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a 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.
4. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.

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The portion of the water right described herein requested to be canceled is canceled. Certificate 1456 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 December 12, 1997.



Martha O. Page, Director