

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING 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 6934 submitted by

ROBERT AND VIRGINIA LOWRY
HCR 88 BOX 84
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 Certificate 4240. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The dates of priority are 1872 for 15.0 acres, 1885 for 15.0 acres, 1864 for 18.0 acres, 1875 for 8.0 acres, and 1902 for 5.0 acres

The right allows the use of TUCKER CREEK, a tributary of POWDER RIVER, for IRRIGATION. This right is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) during the irrigation season of each year, if available at the authorized points of diversion: HULICK #1- NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, Township 8 South, Range 42 East, W.M.; HULICK #2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 8 South, Range 42 East, W.M.; ERWIN - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 8 South, Range 42 East, W.M.

The authorized place of use is located as follows:

1872 PRIORITY

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9.5 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.5 ACRES

1885 PRIORITY

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 ACRES
SECTION 9

1864 PRIORITY

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.5 ACRES

1875 PRIORITY

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 ACRES

1902 PRIORITY
SW¼ SW¼ 5.0 ACRES
SECTION 4
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 a point of diversion to: NW¼ NW¼ Section 4, Township 8 South, Range 42 East, W.M.; 1100' south and 590' East from the northwest corner Section 4.

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, 1998.
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 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.

Certificate 4240 is canceled. 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. Pagel, Director