

STATE OF OREGON

COUNTY OF MALHEUR

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 7368 submitted by

DOMINIC B. PERELLO
1591 SLACK STREET
SAN LUIS OBISPO, CA 93405

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County as evidenced by a PORTION of Certificate 6936. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 228. The date of priority is October 12, 1903.

The right allows the use of BULLY CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 28.5 ACRES. This right is limited to 1.425 cubic feet per second, if available at the authorized point of diversion: JENSEN DITCH - SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, Township 18 South, Range 44 East, W.M.; approx. 970 feet South and 474 feet West from the N $\frac{1}{4}$ corner of Sec. 29.

The amount of water used for irrigation under this right is limited to a diversion of ONE-TWENTIETH of one cubic foot per second (or its equivalent) per acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 24.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.5 ACRES
SECTION 32
TOWNSHIP 18 SOUTH, RANGE 44 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: NE $\frac{1}{4}$ NE $\frac{1}{4}$; 663 feet South and 282 feet West from the Northeast corner of Section 32, Township 18 South, Range 44 East, W.M.

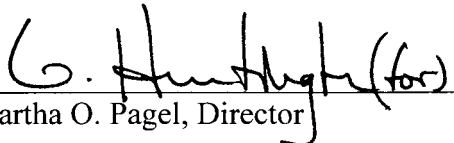
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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 shall operate and maintain the headgate and measuring device, as needed. The water user 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(s) as the original point of diversion

Certificate 7368 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.

DEC 19 1997

WITNESS the signature of the Water Resources Director, affixed _____.



Martha O. Pagel, Director