

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 TRANSFER 6434 submitted by

EARL SAXTON  
P.O. BOX 97  
COLLEGEDALE, TENNESSEE 37315

to use the waters of MCKAY CREEK, a tributary of the UMATILLA RIVER, for the purpose of IRRIGATING 3.5 ACRES.

The right to be transferred was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by certificate 57568. The decree is recorded in the Order Record of the WATER RESOURCES DIRECTOR in Volume 3, at page 127. The date of priority is APRIL, 1902.

This right is limited to 0.044 cubic foot per second, if available at the original points of diversion: LOT 15 (SW 1/4 SE 1/4), SECTION 1, T 1 S, R 32 E, W.M.; 1570 FEET SOUTH AND 3340 FEET EAST, 1640 FEET SOUTH AND 3920 FEET EAST, BOTH FROM THE WEST 1/4 CORNER OF SECTION 1, or its equivalent in case of rotation, measured at the point of diversion from the source.

The new point of diversion is located as follows:

LOT 16 (SE 1/4 SE 1/4), SECTION 1, T 1 S, R 32 E, W.M.; 1040 FEET NORTH AND 560 FEET WEST FROM THE SE CORNER OF SECTION 1.

A description of the place of use is as follows:

LOT 16 (SE 1/4 SE 1/4) 3.5 ACRES  
SECTION 1  
TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.

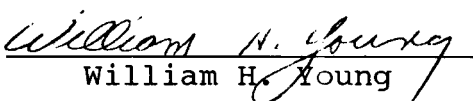
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

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, 1992.
2. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the original points 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.

Certificate 57568 is hereby 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 March 19, 1991.

  
William H. Young

Recorded in Special Order Records at Volume 45, page 152.