

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION AND
CHANGE IN PLACE OF USE

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 7288 submitted by

DANIEL S. AND KAREN B. THEE
49994 MILLER ROAD
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 as evidenced by a PORTION of Certificate 1496 and is further defined by stipulated order of the Water Resources Director entered NOVEMBER 3, 1998, in Special Order Volume 52, at Page 1086. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1869.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order,

The right allows the use of NORTH POWDER RIVER, a tributary of POWDER RIVER, for IRRIGATION OF 38.0 ACRES, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.95 cubic foot per second from March 1 to July 1 and 0.48 cubic foot per second from July 1 to October 1, the total quantity diverted during each irrigation season not to exceed 95.00 acre feet, if available at the authorized point of diversion: BAMBERGER DITCH, 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:

	<u>POD ONLY</u>	<u>POU/POD</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.0 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE	1.3 ACRES

SECTION 28
TOWNSHIP 6 SOUTH, RANGE 38 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 change the place of use of 1.3 ACRES in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 28 to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.3 ACRES
SECTION 28
TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.

The applicant further proposes for all lands listed above an additional point of diversion located:

GARDNER MILLRACE DITCH- NW¼ NE¼, SECTION 5, T 7 S, R 38 E, WM; 2760 FEET SOUTH AND 2380 FEET WEST FROM THE E¼ CORNER SECTION 32, T 6 S, R 28 E, WM.

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

1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully 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. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 1496 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 **MAR 21 2000** .



Martha O. Pagel, Director