

STATE OF OREGON

COUNTY OF BAKER

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, as conditioned or limited herein, TRANSFER 7289 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 dates of priority are 1865 and 1890.

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 45.5 ACRES, DOMESTIC AND STOCK being 14.0 ACRES with 1865 priority and 31.5 ACRES with 1890 priority. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.14 cubic feet per second, being 0.35 cfs with priority 1865 and 0.79 cfs with priority 1890, from March 1 to July 1; and 0.56 cubic foot per second, being 0.17 cfs with priority 1865, and 0.39 cfs with priority 1890, from July 1 to October 1, the total quantity diverted during each irrigation season not to exceed 113.75 acre feet, if available at the authorized points of diversion: GARDNER MILLRACE DITCH (1865), POWERS COMPANY DITCH (1890), or its equivalent in case of rotation, measured at the points of diversion from the source.

The authorized place of use is located as follows:

1865	1890
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 14.0 ACRES	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 20.5 ACRES
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.0 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 points of diversion to two new points of diversion located:

GARDNER MILLRACE DITCH- NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 5, T 7 S, R 38 E, WM; 2760 FEET SOUTH AND 2380 FEET WEST FROM THE E $\frac{1}{4}$ CORNER SECTION 32, T 6 S, R 38 E, WM; and,

BAMBERGER DITCH- SE¼ SW¼, SECTION 28, T 6 S, R 38 E,
WM; 5160 FEET SOUTH AND 839 FEET WEST FROM THE N¼ CORNER
SECTION 28.

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, 2001.
2. The quantity of water diverted at the new points of
diversion, shall not exceed the quantity of water lawfully
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.
4. Water shall be acquired from the same surface water source
as the original point of diversion.

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