

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 all objections were resolved, and finding that no injury to existing water rights would result, this order approves TRANSFER 6388 submitted by

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to use the waters of SPRING CREEK, a tributary of PINE CREEK, for IRRIGATING 17.5 ACRES.

The right to be transferred was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by Certificate 4221. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1866.

This right is limited to 0.44 cubic foot per second, if available at the original point of diversion: SE 1/4 NE 1/4, SECTION 27, T 8 S, R 39 E, W.M.; HODGIN-ROHNER-PAYTON DITCH - 750 FEET NORTH AND 185 FEET WEST FROM THE E1/4 CORNER OF SECTION 27, 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:

SW 1/4 NW 1/4, SECTION 26, T 8 S, R 39 E, W.M.; 861 FEET NORTH AND 4 FEET EAST FROM THE W1/4 CORNER OF SECTION 26.

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

A description of the place of use is as follows:

SW 1/4 NW 1/4 17.5 ACRES  
SECTION 26  
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

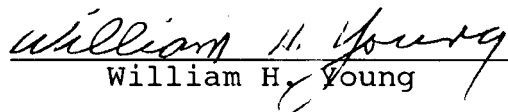
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

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 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.

Certificate 4221 was cancelled by an order of the Water Resources Director entered April 12, 1991, approving transfer 6176. 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 APRIL 12, 1991.

  
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William H. Young

Recorded in Special Order Records at Volume 45, Page 200.

T-6388.VRG