

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 6254 submitted by

MARILYN K. MORRELL
56 HIGHLAND AVE.
AUBURN, MAINE 04210

to use the waters of EAST BIRCH CREEK, a tributary of BIRCH CREEK, for the purpose of IRRIGATING 4.0 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 2569. 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 1895.

This right is limited to 0.05 cubic foot per second, if available at the original point of diversion: GLEN DITCH, or its equivalent in case of rotation, measured at the point of diversion from the creek.

The new point of diversion is located as follows:

LOT 2, SECTION 18, T 2 S, R 33 E, W.M.; 20 FEET SOUTH AND 100 FEET WEST FROM THE NE CORNER OF LOT 2.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

LOT 19 0.5 ACRE
LOT 20 1.5 ACRES
SECTION 7

LOT 1 2.0 ACRES
SECTION 18
TOWNSHIP 2 SOUTH, RANGE 33 EAST, W.M.

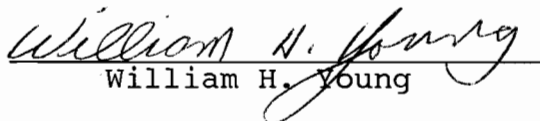
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

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

1. The proposed change is complete. The claim of beneficial use shall be submitted in accordance with the transmittal letter.
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 2569 is cancelled. 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 MAY 1, 1990.


William H. Young

Recorded in Special Order Records at Volume 44, Page 213.

T-6254.TES