

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Pursuant to ORS 540.510 to 540.530, after notice was given, protests withdrawn, and no other objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8269 submitted by

STEVEN W. HARRIS
44268 MILES BRIDGE ROAD
BAKER CITY, OREGON 97814.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Baker County as evidenced by a PORTION of Certificate 74042. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1885.

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 POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION of 39.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.98 cubic foot per second, if available at the authorized point of diversion: NE¼ SE¼, SECTION 20, T 7 S, R 41 E WM; EMELE DITCH - 450 feet South and 100 feet West from the E¼ corner, Section 20, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NW¼ NW¼ 39.4 ACRES
SECTION 1
TOWNSHIP 8 SOUTH, RANGE 41 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 add an additional point of diversion to:

SE¼ NW¼, SECTION 34, T 7 S, R 41 E, WM; ERWIN DITCH - 3850 feet North and 100 feet West from the S¼ corner, Section 34.

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 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. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 74042 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 APR 20 2000.



Martha O. Pagel, Director