

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING ADDITIONAL POINTS OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given, a protest was filed on November 6, 2001 by the Lower Powder River Irrigation District against transfer application 8430. On February 12, 2002, Lower Powder River Irrigation District conditionally withdrew their protest since the transfer order will include metering and measuring requirements on all points of diversion. Finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8430 submitted by

CAL WORTHINGTON
12565 AUTO MALL CIRCLE
FOLSOM CALIFORNIA, 95630.

The FIRST right to be modified, as evidenced by Certificate 48330, was perfected under Permit 31402 with a date of priority of MARCH 15, 1966. The right allows the use of the POWDER RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 430.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a rate of flow of 7.42 cubic feet per second, if available at the original point of diversion: NW¼ SE¼, SECTION 21, T 7 S, R 39 E,

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.

W.M.; 1230 FEET NORTH AND 1330 FEET EAST FROM THE CENTER OF SW¼, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is:

NW¼ NE¼, SECTION 15, T 7 S, R 39 E, W.M.; 1400 FEET NORTH AND 2250 FEET WEST FROM THE E¼ CORNER OF SECTION 15.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE¼ SW¼	39.5 ACRES
NW¼ SW¼	39.0 ACRES
NE¼ SE¼	39.5 ACRES
NW¼ SE¼	39.5 ACRES

SECTION 14

NE¼ NE¼	40.0 ACRES
NW¼ NE¼	40.0 ACRES
SW¼ NE¼	7.0 ACRES
SE¼ NE¼	6.8 ACRES
NE¼ NW¼	40.0 ACRES
NW¼ NW¼	39.5 ACRES
SW¼ NW¼	30.8 ACRES
SE¼ NW¼	34.4 ACRES

SECTION 23

TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.

NW¼ NW¼ 34.8 ACRES
SECTION 24
TOWNSHIP 7 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 the existing minimum flow policies established by the Water Policy Review Board.

The SECOND right to be modified, as evidenced by Certificate 48331, was perfected under Permit 31402 with a date of priority of MARCH 15, 1966. The right allows the use of the POWDER RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 146.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a rate of flow of 2.51 cubic feet per second, if available at the original point of diversion; NW¼ SE¼, SECTION 21, T 7 S, R 39 E, W.M.; 1230 FEET NORTH AND 1330 FEET EAST FROM THE CENTER OF SW¼, SECTION 21; or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is:

NW¼ NE¼, SECTION 15, T 7 S, R 39 E, W.M.; 1400 FEET NORTH AND 2250 FEET WEST FROM THE E¼ CORNER OF SECTION 15.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.6 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.6 ACRES

SECTION 15

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.6 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 27.2 ACRES

SECTION 22

TOWNSHIP 7 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 the existing minimum flow policies established by the Water Policy Review Board.

The THIRD right to be modified, as evidenced by Certificate 49495, was perfected under Permit 38638 with a date of priority of NOVEMBER 29, 1974. The right allows the use of the POWDER RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 764.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a rate of flow of 6.80 cubic feet per second, if available at the authorized points of diversion; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 13, T 7 S, R 39 E, W.M.; NO. 1 - 4060 FEET NORTH AND 2250 FEET WEST FROM THE SE CORNER, SECTION 15; NO. 2 - 200 FEET SOUTH AND 20 FEET EAST FROM THE NW CORNER, SECTION 13, or its equivalent in case of rotation, measured at the points of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.2 ACRES	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.4 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0 ACRES	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.4 ACRES	SECTION 15	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0 ACRES		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 ACRES	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 ACRES	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0 ACRES	SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0 ACRES	SECTION 22	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.5 ACRES		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.5 ACRES	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33.0 ACRES
SECTION 13		SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4 ACRE	SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.2 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.4 ACRES	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.2 ACRES	SECTION 23	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 ACRES		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.7 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES	SECTION 24	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.6 ACRES	TOWNSHIP 7 SOUTH, RANGE 39	
SECTION 14		EAST, W.M.	
TOWNSHIP 7 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 the existing minimum flow policies established by the Water Policy Review Board.

The applicant proposes to add additional points of diversion so that water under the first, second and third right to be modified, as evidenced by Certificates 48330, 48331 and 49495, may be appropriated from any one, or any combination, of the following:

NO. 1 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, T 7 S, R 39 E, W.M. 4060 FEET NORTH AND 2250 FEET WEST FROM THE SE CORNER, SECTION 15;

NO. 2 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 13, T 7 S, R 39 E, W.M. 200 FEET SOUTH AND 20 FEET EAST FROM THE NW CORNER, SECTION 13;

NO. 3 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 14, T 7 S, R 39 E, W.M.; 40 FEET SOUTH AND 1260 FEET WEST FROM THE NE CORNER OF SECTION 14.

THESE CHANGES TO 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, 2003.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. Prior to using water, the water user shall install and maintain a headgate, or an in-line flow meter for measuring and recording the quantity of water diverted at all points of diversion. 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. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.


4. The water user shall begin a diversion monitoring program that shall include the rate and duty of water appropriated. The flow data shall be available to the Watermaster promptly on request. The water user shall supply to the Watermaster promptly upon request an annual report of water use and monitoring data. Monitoring data shall be provided to the Watermaster in a reasonable summary format, approved by the Watermaster, upon request.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The water user shall install and maintain a fish screen on the pump locations. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 48330, 48331 and 49495 are canceled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed 5/15/2002.



for Paul R. Cleary, Director