

**BEFORE THE WATER RESOURCES DEPARTMENT  
FOR THE  
STATE OF OREGON**

Order of Proper Proof of Change in Place of    ))  
Use Under Transfer 8600                                ))

Final Order

THIS ORDER ISSUED TO

U.S. BUREAU OF RECLAMATION  
1150 NORTH CURTIS ROAD, SUITE 100  
BOISE ID 83706-1234

confirms the right of record to use the waters of PHILLIPS LAKE RESERVOIR, constructed under Permit R-5083, a tributary of POWDER RIVER, for SUPPLEMENTAL IRRIGATION of 3.3 ACRES.

This right was perfected under Permit S-32932. The date of priority is JUNE 19, 1958.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount necessary to make up the deficiency in supply of the available source.

The diversion is located as follows:

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances                                  |
|-----|------|-----|-----|-------|---|
| 9 S | 40 E | WM  | 9   | NW SW | EPPINGER – 40 FEET SOUTH FROM E ¼ CORNER, SECTION 8 |

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 from direct flow, and 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from both direct flow and stored water, provided further that the right allowed herein shall be limited to the use of stored water only on the lands as described as Supplemental Irrigation from storage.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

| SUPPLEMENTAL IRRIGATION FROM STORAGE |      |     |     |       |       |
|--------------------------------------|------|-----|-----|-------|-------|
| Twp                                  | Rng  | Mer | Sec | Q-Q   | Acres |
| 9 S                                  | 40 E | WM  | 9   | NW NW | 0.2   |
| 9 S                                  | 40 E | WM  | 9   | SW NW | 3.1   |

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available from the original point of diversion described as follows:

| Twp | Rng  | Mer | Sec | Q-Q   | Measured Distances   |
|-----|------|-----|-----|-------|--|
| 9 S | 40 E | WM  | 8   | NE SE | SATTERBURG WEST (POINT 15) – 1560 FEET NORTH AND 290 FEET WEST FROM SE CORNER, SECTION 8 |

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

The water user shall operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.


The water user shall maintain a fish screen or fish by-pass device.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described.

This order is issued to confirm changes in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 17, 2013, at Special Order Volume 57, Page 1085, approving Transfer Application 8600, affecting a portion of Certificate 73599, State record of Water Right Certificates.

The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

Issued           MAY 09 2014          .

  
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 Dwight W. French  
 Administrator, Water Right Services, for  
 Phillip C. Ward, Director  
 Oregon Water Resources Department