

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN PLACE OF USE, TYPE OF USE, POINT OF DIVERSION, PARTIAL CANCELLATION, AND CORRECTION OF A WATER RIGHT

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, as conditioned or limited herein, TRANSFER 8905 submitted by

DON HAMPTON  
62578 MT. GLEN ROAD  
LAGRANDE, OREGON 97850.

The FIRST right to be modified, as evidenced by a PORTION of Certificate 7354, was perfected under Permit 7361 with a date of priority of MAY 26, 1926. The right allows the use of the GRANDE RONDE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 3.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.026 cubic foot per second, if available at the authorized point of diversion.

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-EIGHTIETH of one cubic foot per second per acre or its equivalent 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:

SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 3.9  
SECTION 29  
TOWNSHIP 2 SOUTH, RANGE 38 EAST W.M.

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

The SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as

This is a final order in other than 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.

evidenced by a PORTION of Certificate 7945. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1872.

The right allows the use of the GRANDE RONDE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2.0 ACRES. 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 and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source. The authorized place of use is located as follows:

SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 2.0 ACRES  
SECTION 29  
TOWNSHIP 2 SOUTH, RANGE 38 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 to change the point of diversion to:

SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, SECTION 31, T 2 S, R 38 E, W.M.; 1858 FEET SOUTH  
AND 81 FEET EAST FROM THE W<sup>1</sup>/<sub>4</sub> COR, SECTION 31.

The applicant further proposes to change the place of use to within:

NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
Section 31  
TOWNSHIP 2 SOUTH, RANGE 38 EAST W.M.

The applicant also proposes to change the type of use to COMMERCIAL USE INCLUDING IRRIGATION OF UP TO 3.0 ACRES OF LAND.

The 2.0 acres to be modified under the SECOND right overlap lands modified under the FIRST right. The diversion for 0.013 cfs for this 2.0 acres under the FIRST right shall be limited to make up the deficiency in supply due to decree limitations on the SECOND right found in paragraph 3, volume 8, page 8 of the Grande Ronde Decree, Consolidated (August 8, 1925).

The water shall be limited to the amounts shown in the following table:

Certificate	Priority Date	CFS
7945	1872	0.05
7354	May 26, 1926	0.013
Total Maximum Diversion		0.063

An additional rate of 0.013 CFS may be diverted to make up for a deficiency in supply of the 1872 right, if available under the May 26, 1926 priority date.

There is an existing water right for Storage/Manufacturing at the proposed place of use under Certificate 80398. Affidavits have been received from the Union County Commissioners and Paul Willmarth, President of the La Grande Mavericks, representatives of owners of certain land and the water right appurtenant to it, authorizing the cancellation of the existing water right.

The water right is a PORTION of the right described by Certificate 80398, State Record of Water Right Certificates. The date of priority is 1872. The abandoned right is for the Use of 0.75 cfs from the Grande Ronde River for STORAGE/MANUFACTURING (Supply for engines and fire in saw mill and for log pond).

The authorized place of use of the abandoned right is as follows:

NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
 SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
 SECTION 31  
 TOWNSHIP 2 SOUTH, RANGE 38 EAST W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

Certificate 7354 does not correctly describe the acreage by quarter-quarter. The Permit map shows that the acreage is located in the S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> of Section 29 and N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> of Section 32, T 2 S, R 38 E, WM. A copy of the original deed in the name of the certificate holder was provided that accurately described the meets and bounds of the 30.0 acres involved in the water right.

The Orodell Ditch Company has provided maps in compliance with Department mapping standards that confirm the correct location of the remaining acreage as tabulated below.

SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 9.8 ACRES  
SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 8.1 ACRES  
SECTION 29

NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 1.1 ACRES  
NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 7.1 ACRES  
SECTION 32

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

Therefore, it is ordered that the remaining right certificate for Certificate 7354 be issued to correctly describe the location of the irrigated acreage.

The receiving landowner for this transfer is:

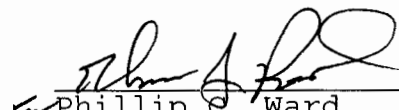
Maverick Inc.  
PO Box 1166  
LaGrande, OR 97850

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED WHEN THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2006.
2. The period of use shall be during the irrigation season established by the Grande Ronde River Decree.
3. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed 0.63 cfs lawfully available at the original point of diversion.
4. 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.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The former place of use shall no longer be irrigated as a part of this water right.

Certificates 7354, 7945, and 80398 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer or cancellation. When satisfactory proof of the completed changes is received, a new certificate confirming these transferred water rights will be issued.

Dated at Salem, Oregon this 14<sup>th</sup> day of ~~December~~ 2004.

  
For Phillip C. Ward  
Director

Mailing date: DEC 22 2004