

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN POINT OF DIVERSION
AND PLACE OF USE

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 8411 submitted by

JIM EVERS
62097 CHANDLER LOOP
LAGRANDE, OREGON 97850.

The right to be modified, as evidenced by a PORTION of Certificate 10141, was perfected by under Permit 10822 with a date of priority of March 20, 1933. The right allows the use of GRANDE RONDE RIVER, tributary of SNAKE RIVER, for IRRIGATION of 1.30 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.016 CUBIC FOOT PER SECOND, or its equivalent in case of rotation if available at the point of diversion located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 33, T 2 S, R 38 E, W.M..

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 amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-EIGHTIETH 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. 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 $\frac{1}{4}$ SE $\frac{1}{4}$ 1.3 ACRES
SECTION 32
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.

The applicant proposes to change the place of use to:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.3 ACRES
SECTION 32
TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

The applicant further proposes to change the point of diversion to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T 2 S, R 38 E, W.M.; ORDELL DITCH-1858.33 FEET SOUTH AND 80.84 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 31.

THESE CHANGES TO EXISTING WATER RIGHTS 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 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. Water shall be acquired from the same surface water source as the original point of diversion.
4. The former place of use shall no longer be irrigated as a part of this water right.
5. **Prior** to the diverting of water at the new point of diversion, 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.
6. The water user shall install and maintain a fish screen or fish by-pass device. 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.

Certificate 10141 is canceled. A new certificate will be issued to confirm that portion of the rights NOT involved in this transfer. A new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed MAY 24 2002.



Paul R. Cleary, Director