

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

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 6977 submitted by

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653 OVERSTREET ROAD  
NYSSA, OREGON 97913

The first right to be modified, as evidenced by Certificate 5022, was perfected under Permit 4020 with a date of priority of march 17, 1919. The right allows the use of OWYHEE RIVER, a tributary of SNAKE RIVER, for IRRIGATION of 17.0 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, T 21 S, R 46 E, WM; 1226 feet South and 696 feet West from the NW corner, Section 6, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by a portion of Certificate 2130, was perfected under Permit 1977 with a date of priority of March 19, 1914. The right allows the use of Owyhee River, a tributary of Snake River, for irrigation of 69.0 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.86 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, T 21 S, R 46 E, WM; 1226 feet South and 696 feet West from the NW corner, Section 6, 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 existing for the same lands, is limited to a diversion of 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:

March 17, 1919

SE $\frac{1}{4}$  SE $\frac{1}{4}$  17.0 acres  
Section 31  
Township 20 South, Range 46 East, WM

March 19, 1914

SW $\frac{1}{4}$  SW $\frac{1}{4}$  21.0 acres  
Section 32  
Township 20 South, Range 46 East, WM

NW $\frac{1}{4}$  NW $\frac{1}{4}$  33.0 acres  
Section 5  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  15.0 acres  
Section 6  
Township 21 South, Range 46 East, WM

The right to use the 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 point of diversion to: SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, T 21 S, R 46 E, WM; 382 feet North and 821 feet East from NW corner, Section 5.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

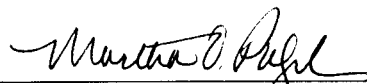
1. The proposed change shall be completed on or before October 1, 1997.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required 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. Water shall be acquired from the same surface water source as the original point of diversion.

5. Oregon Department of Fish and Wildlife requested the water user install a fish screen at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

A water user required to install a fish screening or by-pass device may participate in the Oregon Department of Fish and Wildlife cost-sharing program for the installation of screening or by-pass devices.

Certificates 2130 and 5022 are cancelled. 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, new certificates confirming the water rights will be issued.

WITNESS the signature of the Water Resources Director,  
affixed November 14, 1995.



Martha O. Page, Director