

This is a final 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 137-004-0080 you may either petition for judicial review or 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.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

Order of Certification)
) FINAL ORDER
)

Findings of Fact

1. Transfer Application 7504 was received February 21, 1996.
2. The application requested to add two additional points of diversion to three water rights.
3. The application was approved by an order of the Water Resources Director entered October 24, 1996. The order was signed by Geoff Huntington, Deputy Director, for the Director.
4. The first right to be modified was evidenced by a portion of Certificate 1485. The right allows the use of the North Powder River for Irrigation of 25.8 acres and stock. The amount of water is limited to an amount actually beneficially used, not to exceed 0.645 Cubic foot per second (cfs) from March 1 to June 30, and 0.32 cfs from July 1 to October 1 of each year. The authorized point of diversion is the Jacobson Ditch. The priority date is 1893.

5. The second right to be modified was evidenced by a portion of Certificate 52516. The right allows the use of the North Powder River for Irrigation of 73.1 acres and Stock. The amount of water is limited to an amount actually beneficially used, not to exceed 1.83 Cubic foot per second (cfs) from March 1 to June 30, and 0.91 cfs from July 1 to October 1 of each year. The authorized point of diversion is the Lum Ditch. The priority dates are 1870 for irrigation of 57.8 acres and stock, and 1884 for irrigation of 15.3 acres.
6. The third right to be modified was evidenced by a portion of Certificate 52918. The right allows the use of the North Powder River for Irrigation of 110.3 acres and Stock. The amount of water is limited to an amount actually beneficially used, not to exceed 2.75 Cubic foot per second (cfs) from March 1 to June 30, and 1.37 cfs from July 1 to October 1 of each year. The authorized point of diversion is the Harlan-Saunders Ditch. The date of priority is 1890.
7. 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 2½ acre-feet for each acre irrigated during the irrigation season of March 1 to October 1 of each year.
8. The places of use for these rights are described in the petition submitted by Powder Valley Water Control District under the provisions of ORS 541.329.
9. A Claim of Beneficial Use and map, for the applicant, was received from Gregory T. Blackman, CWRE, on September 30, 1998.
10. The Claim of Beneficial Use and map were reviewed March 23, 2007. The claim and map did not contain all of the required elements. However, the missing information was readily available from the Department's records.

11. The CWRE described and mapped the additional points of diversion. The additional points of diversion (POD) are located as follows:

POD 1: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 22, T 6 S, R 39 E, WM; 1653 FEET SOUTH AND 1978 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 22.

POD 2: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 22, T 6 S, R 39 E, WM; 1338 FEET SOUTH AND 1673 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 22.

12. The approval order contained several conditions. These conditions appear to have been met. The following conditions should appear on the resulting confirming certificates:
 - A. The quantity of water diverted at the new points of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water lawfully available at the original points of diversion.
 - B. The water user shall maintain headgates, inline flow meters, or other suitable devices for measuring and recording the quantity of water diverted.
 - C. The water user shall operate and maintain the headgates and measuring devices, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.
 - D. Water shall be acquired from the same surface water source as the original points of diversion.
 - E. The right to use water for the above purpose is restricted to beneficial use on the lands described and is subject to all other conditions and limitations contained in said decree.
13. Proper proof of the competed changes in points of diversion has been filed with the Department.

14. Water Right Certificates should be issued in connection with the Power Valley Water Control District petition under ORS 541.329. The appropriate certificates should also include the changes in point of diversion, as conditioned and confirmed herein.

Now, therefore, it is ORDERED:

1. The changes in point of diversion described and conditioned herein are confirmed.
2. When the appropriate Water Rights Certificates are issued confirming the location of the water rights of the Powder Valley Water Control District under ORS 541.329, they shall also include the changes in point of diversion and conditions confirmed herein.

WITNESS the signature of the Water Resources Director, affixed

MAR 28 2007



For Phillip C. Ward, Director
Water Resources Department