

STATE OF OREGON

COUNTY OF UMATILLA

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

Pursuant to ORS 537.705, 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 9215 submitted by

CECIL AND MARILYN ZERBA
P.O. BOX 682
MILTON-FREEWATER, OREGON 97862.

The right to be modified, as evidenced by a PORTION of Certificate 47768, was perfected under Permit U-288 with a date of priority of JUNE 29, 1949. The right allows the use of A WELL, in the A BRANCH OF COLD SPRING CREEK BASIN, for IRRIGATION OF 3.44 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T 6 N, R 35 E, W.M.; 10 CHAINS NORTH AND 9.3 CHAINS WEST FROM SE CORNER, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 per acre for each acre irrigated during the irrigation season of each year.

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 183.484. 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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.44 ACRES
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 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/point of appropriation to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T 6 N, R 35 E, W.M.; 135 FEET NORTH AND 970 FEET WEST FROM SE CORNER, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24.

POINT OF APPROPRIATION

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.44 ACRES
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

POINT OF APPROPRIATION AND PLACE OF USE

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 ACRE
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

THESE CHANGES 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, 2005.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. When required by the Department the water user shall install

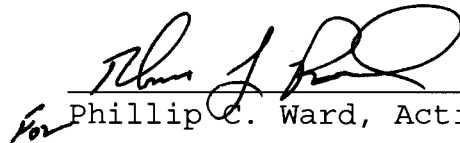
an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 47768 is canceled. A new certificate will be issued to describe that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed AUGUST 9, 2004.


For Phillip C. Ward, Acting Director