

STATE OF OREGON

COUNTY OF UNION AND BAKER

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 8235 submitted by

P&B INCORPORATED
P.O. BOX 69
NORTH POWDER, OREGON 97867.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by a PORTION of Certificate 76967. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1884 FOR IRRIGATION OF 37.0 ACRES AND 1870 FOR IRRIGATION OF 80.0 ACRES.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 117.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.93 CUBIC FEET

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.

PER SECOND (CFS) FROM MARCH 1 TO JUNE 30 and 1.46 CFS FROM JULY 1 TO OCTOBER 1, if available at the authorized point of diversion: NE¼ SE¼, SECTION 28, T 6 S, R 39 E, W.M.; 2600 FEET NORTH AND 440 FEET WEST FROM SE CORNER, SECTION 28, or its equivalent in case of rotation, measured at the point of diversion from the source. The total quantity diverted during each irrigation season shall not exceed 292.50 ACRE-FEET.

The authorized place of use is located as follows:

1870 - UNION COUNTY

NE¼ NW¼ 22.0 ACRES
NW¼ NW¼ 21.0 ACRES
SW¼ NW¼ 37.0 ACRES

SECTION 27

1884 - BAKER COUNTY

SE¼ NW¼ 37.0 ACRES

SECTION 27

TOWNSHIP 6 SOUTH, RANGE 39 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:

SW¼ NW¼, SECTION 27, T 6 S, R 39 E, W.M.; 1400 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER, SECTION 27;

SE¼ NE¼, SECTION 28, T 6 S, R 39 E, W.M.; 2771 FEET NORTH AND 397 FEET WEST FROM THE SE CORNER, SECTION 28.


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, 2003.
2. The quantity of water diverted at the new points 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. **Prior** to the diverting of water at the new points 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.
4. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 76979 is canceled. 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, 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