

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN PLACE OF USE  
AND 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 8478 submitted by

STEVEN L. STONEBREAKER  
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LA GRANDE, OREGON 97850.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by Certificate 76178. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1897.

The right allows the use of HUNTER CANYON CREEK, a tributary of the GRANDE RONDE RIVER, for IRRIGATION OF 50.0 ACRES. The amount of water to which this right is entitled is limited to an amount

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.

actually beneficially used and shall not exceed THREE ACRE FEET PER ACRE IN ANY IRRIGATION SEASON DIVERTED AT A RATE OF NOT TO EXCEED ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, if available at the authorized point of diversion: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 24, T 2 S, R 38 E, W.M.; 15 FEET NORTH AND 18 FEET EAST FROM THE E $\frac{1}{4}$  CORNER, SECTION 23, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$             23.2 ACRES  
SECTION 23

NW $\frac{1}{4}$  SW $\frac{1}{4}$             26.8 ACRES  
SECTION 24

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 and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$  NE $\frac{1}{4}$             13.3 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$             36.7 ACRES  
SECTION 23

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

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

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 23, T 2 S, R 38 E, W.M.; 1340 FEET SOUTH AND 40 FEET WEST FROM THE NE CORNER, SECTION 23.

The SECOND 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 76235. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1872.

The right allows the use of the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 60.00 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed THREE ACRE FEET PER ACRE IN ANY IRRIGATION SEASON DIVERTED AT A RATE OF NOT TO EXCEED ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, if available at the point of diversion: 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, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.0 ACRES

SECTION 23

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 and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.7 ACRES

SECTION 22

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

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, 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. The former place of use shall no longer be irrigated as a part of this water right.
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.

Certificates 76178 and 76235 are 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 changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 28 2002.

  
For Paul R. Cleary, Director