

STATE OF OREGON

COUNTY OF 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 TRANSFER 6365 submitted by

LOUIS E. MARKS  
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NORTH POWDER, OREGON 97867

to use the waters of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for the purpose of IRRIGATING 55.4 ACRES.

The right to be transferred was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by certificate 1460. The decree is recorded in the Order Record of the WATER RESOURCES DIRECTOR in Volume 3, at page 252. The date of priority is 1888.

This right is limited to 1.38 cubic feet per second, if available at the original point of diversion: SW 1/4 NE 1/4, SECTION 35, T 6 S, R 38 E, W.M.; 2070 FEET SOUTH AND 1400 FEET WEST FROM THE NE CORNER OF SECTION 35, or its equivalent in case of rotation, measured at the point of diversion from the source.

The new point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 36, T 6 S, R 38 E, W.M.; 1005 FEET NORTH AND 2575 FEET EAST FROM THE SW CORNER OF SECTION 36.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second from March 1 to July 1 and ONE-EIGHTIETH of one cubic foot per second from July 1 to October 1 (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the place of use is as follows:

SW 1/4 NE 1/4 1.5 ACRES  
SE 1/4 NE 1/4 21.4 ACRES  
NE 1/4 SE 1/4 13.5 ACRES  
SE 1/4 SE 1/4 16.0 ACRES  
SECTION 4

NE 1/4 NE 1/4 3.0 ACRES  
SECTION 9

TOWNSHIP 7 SOUTH, RANGE 39 EAST, W.M.

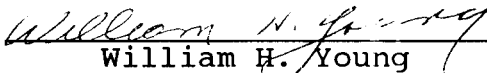
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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, 1992.
2. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water available at the original point of diversion.
3. Prior to the diversion of water at the new point 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.

Certificate 1460 is hereby 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 December 26, 1990.

  
William H. Young

Recorded in Special Order Records at Volume 44, page 464.