

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING A CHANGE IN PLACE OF USE,
A CHANGE IN POINT OF DIVERSION,
AND A CORRECTION OF A WATER RIGHT CERTIFICATE

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 8627 submitted by

HAROLD S. HUBER
P.O. BOX 758
HEPPNER, OREGON 97836.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County as evidenced by a PORTION of Certificate 64311. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 73. The date of priority is 1890.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.045 cubic foot per second, if available at the authorized point of diversion: SW¼ NE¼, SECTION 1, T 2 S, R 25 E, W.M.; 910 FEET NORTH AND 140 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 1, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of March 1 to September 1 of each year.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.7 ACRES
SECTION 2

TOWNSHIP 2 SOUTH, RANGE 25 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 $\frac{1}{4}$ NW $\frac{1}{4}$ 2.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.3 ACRE
SECTION 1

TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.

The applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 1, T 2 S, R 25 E, W.M.; 920 FEET NORTH AND 160 FEET EAST FROM THE C $\frac{1}{4}$ CORNER OF SECTION 1.

Water right Certificate 64311 confirmed a change in place of use and additional points of diversion approved by Transfer T-3945, entered December 20, 1979 at Special Order Volume 32, page 585. Certificate 64311 was incorrectly issued with more total acres than what was authorized under the original Certificate 135. Certificate 64311 was issued with a total of 30.4 acres and Certificate 135 had a total of 30.0 acres.

This order correctly describes the acreage amount for the portion of the right not modified by this transfer and will be identified in the remaining right certificate.

The correct place of use for the water right not affected by this transfer is:

	<u>POD 1</u>	<u>POD 3</u>
SE¼ SE¼	1.6 ACRES	0.1 ACRE
	SECTION 35	

SW¼ SW¼	12.5 ACRES	10.4 ACRES
	SECTION 36	

TOWNSHIP 1 SOUTH, RANGE 25 EAST, W.M.

NW¼ NW¼	2.7 ACRES
	SECTION 1

TOWNSHIP 2 SOUTH, RANGE 25 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 changes shall be completed on or before October 1, 2004.
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.

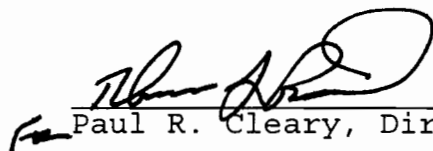
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish 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.

Certificate 64311 is cancelled. A new certificate will be issued to correct and 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 APR 23 2003.


Paul R. Cleary, Director