

STATE OF OREGON

COUNTY OF UNION

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

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 8417 submitted by

MIKE AND MARILYN BOWEN
11402 ISLAND AVENUE
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 a PORTION of Certificate 72347, as corrected below. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is JUNE 1865. The right allows the use of GRANDE RONDE RIVER, a tributary of SNAKE RIVER, for IRRIGATION OF 0.67 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.017 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 32, T 2 S, R 38 E, W.M.; 475 FEET NORTH AND 660

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.

FEET EAST FROM THE S¼ CORNER, SECTION 32, 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:

NE¼ NE¼ 0.67 Acres
SECTION 4
TOWNSHIP 3 SOUTH, RANGE 38 EAST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FORTIETH 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 for each acre irrigated during the irrigation season of each year.

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:

NE¼ NW¼ 0.67 Acres
SECTION 4
TOWNSHIP 3 SOUTH, RANGE 38 EAST, W.M.

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

SW¼ SE¼, SECTION 32, T 2 S, R 38 E, W.M.; 640 FEET NORTH AND 190 FEET EAST FROM THE S¼ CORNER, SECTION 32.

Certificate 72347 was found to be in error. The original Certificate 6196 authorized the irrigation of 262.0 acres. Subsequently 74.1 acres were transferred under T-7362 approved by Special Order Volume 50, Page 665. The remaining right on Certificate 72347 should have shown 187.90 acres. The correct

cubic foot per second should have been 4.70. A second point of diversion should have also been described in the certificate as: SE¼ SE¼, SECTION 32, T 2 S, R 38 E, W.M.; 55 FEET NORTH AND 1654 FEET EAST FROM S¼ CORNER, SECTION 32. The correct authorized remaining right is located as follows:

SW¼ SE¼ 13.00
SE¼ SE¼ 4.50

SECTION 33

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

NE¼ NW¼ 27.00
NW¼ NW¼ 40.00
SE¼ NW¼ 40.00
SW¼ NW¼ 40.00

SECTION 3

NE¼ NE¼ 22.70
NW¼ NE¼ 0.70

SECTION 4

TOWNSHIP 3 SOUTH, RANGE 38 EAST, W.M.

Affidavits were received from Mike and Marilyn Bowen, owners of certain land and the water rights appurtenant to it. A portion of Certificate 72347 has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 72347, State Record of Water Right Certificates. The abandoned water right is for use of 0.011 cubic foot per second from GRANDE RONDE RIVER, a tributary of SNAKE RIVER. The date of priority is JUNE 1865. The abandoned water right is for IRRIGATION of 0.43 ACRES.

A description of the place of use of the abandoned right for irrigation, domestic and stock use is as follows:

TL 400 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.43 Acres
SECTION 4
TOWNSHIP 3 SOUTH, RANGE 38 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

It is further ordered that the remaining right after the correction, cancellation and transfer 8417 be issued for 186.80 acres as follows.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.50
SECTION 33
TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 27.00
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00
SECTION 3
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 21.60
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.70
SECTION 4
TOWNSHIP 3 SOUTH, RANGE 38 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, 2002.

2. The quantity of water diverted at the new point 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. Water shall be acquired from the same surface water source as the original point of diversion.
4. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 72347 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 30 2001** .



Paul R. Cleary, Director