

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A CHANGE IN POINT OF DIVERSION
AND
AN ADDITIONAL 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 7287 submitted by

LOWER POWDER RIVER IRRIGATION DISTRICT
ATTN: CHRISTIE WILDE, PRES.
1809 MAIN STREET
BAKER CITY, OR 97814

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4032. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The dates of priority are 1880 AND 1901.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION AND WILDLIFE ATTRACTION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 8.75 cubic feet per second, if available at the authorized point of diversion: Basche Ditch - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T7S, R41E, WM; 1880'N & 600'E from S $\frac{1}{4}$ corner, Sec. 28 and Cranston Ditch - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T8S, R42E, WM; 150'N & 800'E from W $\frac{1}{4}$ corner, Sec. 17, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4092. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1901.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION AND SUPPLEMENTAL IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.58 cubic foot per second, if available at the authorized point of diversion: Phillips, Brown & Cranston Ditch - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T8S, R42E, WM; 150'N & 800'E from W $\frac{1}{4}$ corner, Sec. 17, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4093. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1901.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION AND SUPPLEMENTAL IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.65 cubic feet per second, if available at the authorized point of diversion: Cranston Ditch - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T8S, R42E, WM; 150'N & 800'E from W $\frac{1}{4}$ corner, Sec. 17, or its equivalent in case of rotation, measured at the point of diversion from the source.

The forth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4218. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1898.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.61 cubic feet per second, if available at the authorized point of diversion: Perkins Ditch - NE¼ NE¼, Sec. 18, T8S, R42E, WM; 900'S & 700'W from NE corner, Sec. 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The fifth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4318. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1903.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION AND WILDLIFE ATTRACTION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.05 cubic feet per second, if available at the authorized point of diversion: Perkins Ditch - NE¼ NE¼, Sec. 18, T8S, R42E, WM; 900'S & 700'W from NE corner, Sec. 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The sixth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4319. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1903.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.4 cubic feet per second, if available at the authorized point of diversion: Perkins Ditch - NE¼ NE¼, Sec. 18, T8S, R42E, WM; 900'S & 700'W from NE corner, Sec. 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The seventh right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4410. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The dates of priority are April 19, 1898 and 1901.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION AND SUPPLEMENTAL IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 13.29 cubic feet per second, if available at the authorized point of diversion: Perkins Ditch - NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T8S, R42E, WM; 900'S & 700'W from NE corner, Sec. 21 and Cranston Ditch - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T8S, R42E, WM; 150'N & 800'E from W $\frac{1}{4}$ corner, Sec. 17, or its equivalent in case of rotation, measured at the point of diversion from the source.

The eighth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4411. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1908.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 cubic foot per second, if available at the authorized point of diversion: Cranston Ditch - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T8S, R42E, WM; 150'N & 800'E from W $\frac{1}{4}$ corner, Sec. 17, or its equivalent in case of rotation, measured at the point of diversion from the source.

The ninth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4432. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1898.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION AND WILDLIFE ATTRACTION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.25 cubic feet per second, if available at the authorized point of diversion: Perkins Ditch - NE¼ NE¼, Sec. 18, T8S, R42E, WM; 900'S & 700'W from NE corner, Sec. 21 and Duncan Ditch - SE¼ NW¼, Sec. 34, T7S, R41E, WM; 1050'N & 2420'E from W¼ corner, Sec. 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

The tenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4493. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1888.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.10 cubic feet per second, if available at the authorized point of diversion: Powder River Ditch Dam & Construction Company & Duncan Ditch, or its equivalent in case of rotation, measured at the point of diversion from the source.

The eleventh right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 68438. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1888.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.72 cubic foot per second, if available at the authorized point of diversion: Powder River Ditch Dam & Construction Company & Duncan Ditch, or its equivalent in case of rotation, measured at the point of diversion from the source.

The twelfth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 4583. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1898.

The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.55 cubic feet per second, if available at the authorized point of diversion: Perkins Ditch - NE¼ NE¼, Sec. 18, T8S, R42E, WM; 900'S & 700'W from NE corner, Sec. 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The thirteenth right to be modified, as evidenced by a portion of Certificate 11021, was perfected under Permit 10920 with a date of priority of July 7, 1933. The right allows the use of POWDER RIVER, a tributary of SNAKE RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.80 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 17, T8S, R42E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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 from April 1 TO October 1 of each year.

The fourteenth right to be modified, as evidenced by a portion of Certificate 12310, was perfected under Permit 11092 with a date of priority of November 4, 1933. The right allows the use of POWDER RIVER, TRIBUTARY OF SNAKE RIVER, INCLUDING WATERS STORED IN THIEF VALLEY RESERVOIR CONSTRUCTED UNDER PERMIT NO. R-667, for IRRIGATION, SUPPLEMENTAL IRRIGATION AND WILDLIFE ATTRACTION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.96 cubic feet per second, if available at the authorized point of diversion: Perkins Ditch - NE¼ NE¼, Sec. 18, T8S, R42E, WM; 900'S & 700'W from NE corner, Sec. 21 and Cranston Ditch - SW¼ NW¼, Sec. 17, T8S, R42E, WM; 150'N & 800'E from W¼ corner, Sec. 17, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season from April 1 to October 1 of each year.

The authorized place of use is located as follows:

Certificate	Township South	Range East	Sec.	Quarter Quarter	Use	Acres	Priority Date	Ditch
4032	8	42	22	SWNE	IR	2.4	1901	Cranston
4032	8	42	22	NENW	IR	9.3	1901	Cranston
4032	8	42	22	SENW	IR	23.8	1901	Cranston
4032	8	42	22	NESW	IR	12.5	1901	Cranston
4032	8	42	22	NESE	IR	4.4	1901	Cranston
4032	8	42	22	NESE	IR	9	1901	Cranston
4032	8	42	22	NWSE	IR	29.2	1901	Cranston
4032	8	42	22	NWSE	W	1.1	1901	Cranston
4032	8	42	22	SWSE	IR	7.8	1901	Cranston
4032	8	42	22	SESE	IR	35	1901	Cranston
4032	8	42	23	NWSW	IR	0.3	1901	Cranston
4032	8	42	23	SWSW	IR	16.5	1901	Cranston
4032	8	42	26	NWNW	IR	25.3	1901	Cranston
4032	8	42	26	SWNW	IR	5	1901	Cranston
4032	8	42	27	NENE	IR	14.5	1901	Cranston
SUBTOTAL						196.1		

4032	8	42	22	SENW	IR	4.9	1880	Perkins
4032	8	42	22	NESW	IR	22.8	1880	Perkins
4032	8	42	22	SWSE	IR	28	1880	Perkins
4032	8	42	22	SESE	IR	2	1880	Perkins
4032	8	42	26	NWNW	IR	9.4	1880	Perkins
4032	8	42	27	NENE	IR	23.5	1880	Perkins
4032	8	42	27	NWNE	IR	38	1880	Perkins
4032	8	42	27	SWNE	IR	7.5	1880	Perkins
4032	8	42	27	NENW	IR	17.6	1880	Perkins
4032	8	42	27	SENW	IR	0.4	1880	Perkins
SUBTOTAL						154.1		
4092	8	42	26	SENE	IS	15.1	1901	Cranston
4092	8	42	26	NWSE	IR	8	1901	Perkins
						23.1		
4093	8	42	26	NENE	IS	0.4	1901	Cranston
4093	8	42	26	NWNE	IS	14	1901	Cranston
4093	8	42	26	SWNE	IS	35	1901	Cranston
4093	8	42	26	NENW	IR	25	1901	Cranston
4093	8	42	26	NENW	IS	5.5	1901	Cranston
4093	8	42	26	SENW	IS	6	1901	Cranston
4093	8	42	26	NWSE	IS	14.8	1901	Cranston
4093	8	42	26	NWSE	IR	5.5	1901	Perkins
SUBTOTAL						106.2		
4218	8	42	26	NESW	IR	28	1898	Perkins
4218	8	42	26	NWSW	IR	12.5	1898	Perkins
4218	8	42	26	SWSE	IR	26.8	1898	Perkins
4218	8	42	35	NENE	IR	27.3	1898	Perkins
4218	8	42	35	NWNE	IR	9.5	1898	Perkins
4218	8	43	31	SESE	IR	0.3	1898	Perkins
SUBTOTAL						104.4		
4318	8	43	31	NWSE	IR	3.1	1903	Perkins
4318	8	43	31	NWSE	IR	33	1903	Perkins
4318	8	43	31	SWSE	IR	0.5	1903	Perkins
4318	8	43	31	SWSE	IR	8.7	1903	Perkins
4318	8	43	32	SWNW	IR	4	1903	Perkins
4318	8	43	32	NESW	IR	31.7	1903	Perkins
4318	8	43	32	NESW	W	3.6	1903	Perkins
4318	8	43	32	NWSW	IR	37.7	1903	Perkins
4318	8	43	32	SWSW	IR	23.8	1903	Perkins
4318	8	43	32	SESW	IR	25.5	1903	Perkins
4318	8	43	32	NWSE	IR	4	1903	Perkins
4318	8	43	32	SWSE	IR	26.6	1903	Perkins
SUBTOTAL						202.2		

4319	8	42	36	SENE	IR	13.6	1903	Perkins
4319	8	43	31	NESW	IR	25	1903	Perkins
4319	8	43	31	NWSW	IR	17.6	1903	Perkins
		SUBTOTAL				56.2		
4410	8	42	25	NWSW	IR	13.9	1901	Cranston
4410	8	42	25	NWSW	IS	0.3	1901	Cranston
4410	8	42	25	SWSW	IR	4.3	1901	Cranston
4410	8	42	25	SWSW	IS	9.5	1901	Cranston
4410	8	42	25	SESW	IS	9	1901	Cranston
4410	8	42	25	SWSE	IR	26.9	1901	Cranston
4410	8	42	25	SWSE	IS	5.4	1901	Cranston
4410	8	42	25	SESE	IR	20.8	1901	Cranston
4410	8	42	25	SESE	IS	13.7	1901	Cranston
4410	8	42	36	NENE	IR	7.9	1901	Cranston
4410	8	43	31	NWNE	IR	9.8	1901	Cranston
4410	8	43	31	SWNE	IR	25.3	1901	Cranston
4410	8	43	31	SENE	IR	15.1	1901	Cranston
4410	8	43	31	NENW	IR	18	1901	Cranston
4410	8	43	31	NWNW	IR	21.6	1901	Cranston
4410	8	43	31	SENE	IR	8.3	1901	Cranston
		SUBTOTAL				209.8		
4410	8	42	25	SWSW	IR	14.2	1898	Perkins
4410	8	42	25	SESW	IR	13.4	1898	Perkins
4410	8	42	25	SWSE	IR	6.8	1898	Perkins
4410	8	42	26	NESE	IR	1.5	1898	Perkins
4410	8	42	26	SESE	IR	19.1	1898	Perkins
4410	8	42	36	NENE	IR	31.1	1898	Perkins
4410	8	42	36	NWNE	IR	37.7	1898	Perkins
4410	8	42	36	SWNE	IR	0.7	1898	Perkins
4410	8	42	36	NENW	IR	27.5	1898	Perkins
4410	8	42	36	NWNW	IR	29	1898	Perkins
4410	8	43	31	SWNE	IR	9.5	1898	Perkins
4410	8	43	31	SENE	IR	17.2	1898	Perkins
4410	8	43	31	NENW	IR	3.5	1898	Perkins
4410	8	43	31	NWNW	IR	15.9	1898	Perkins
4410	8	43	31	SWNW	IR	30.9	1898	Perkins
4410	8	43	31	SENE	IR	25.6	1898	Perkins
4410	8	43	31	NESE	IR	38.2	1898	Perkins
		SUBTOTAL				321.8		
4411	8	42	25	NESW	IR	8.8	1908	Cranston
4411	8	42	26	NESW	IR	2.6	1908	Cranston
4411	8	43	31	SWNW	IR	1.3	1908	Cranston
		SUBTOTAL				12.7		

4432	8	42	22	NWNW	IR	13.9	1898	Cranston
4432	8	42	21	NENE	IR	7.6	1898	Perkins
4432	8	42	21	SENE	IR	30.9	1898	Perkins
4432	8	42	21	SENE	W	1.8	1898	Perkins
4432	8	42	22	SWNW	IR	17.4	1898	Perkins
4432	8	42	22	NWSW	IR	38.9	1898	Perkins
4432	8	42	22	SWSW	IR	10.9	1898	Perkins
4432	8	42	22	SESW	IR	33.6	1898	Perkins
				SUBTOTAL		155		
4493	8	42	17	SWSE	IR	13.4	1888	Cranston
4493	8	42	17	SESE	IR	30.7	1888	Cranston
				SUBTOTAL		44.1		
4583	8	42	26	SWNW	IR	30.9	1898	Perkins
4583	8	42	27	SENE	IR	31.2	1898	Perkins
				SUBTOTAL		62.1		
11021	8	42	25	NESE	IR	7	7/7/1933	Cranston
11021	8	42	25	NWSE	IR	25	7/7/1933	Cranston
				SUBTOTAL		32		
12310	8	42	17	NESE	IR	11.8	11/4/1933	Cranston
12310	8	42	21	NENE	IR	27	11/4/1933	Cranston
12310	8	42	21	SENE	IR	0.5	11/4/1933	Cranston
12310	8	42	22	NWNW	IR	14.7	11/4/1933	Cranston
12310	8	42	22	NWNW	W	0.6	11/4/1933	Cranston
12310	8	42	22	SWNW	IR	17.7	11/4/1933	Cranston
12310	8	42	25	SESW	IR	10.6	11/4/1933	Cranston
12310	8	42	26	SENE	IR	13.8	11/4/1933	Cranston
12310	8	42	26	NESE	IR	35.7	11/4/1933	Cranston
12310	8	42	26	SESE	IR	16.2	11/4/1933	Cranston
12310	8	42	16	SWSW	IR	8.6	11/4/1933	Perkins
12310	8	42	16	SESW	IR	0.6	11/4/1933	Perkins
12310	8	42	21	NWNE	IR	26	11/4/1933	Perkins
12310	8	42	21	SWNE	IR	24.3	11/4/1933	Perkins
12310	8	42	21	NENW	IR	24.1	11/4/1933	Perkins
12310	8	42	21	NWNW	IR	27.7	11/4/1933	Perkins
12310	8	42	21	SENE	IR	13.3	11/4/1933	Perkins
12310	8	42	36	NWNW	IR	1.7	11/4/1933	Perkins
12310	8	43	31	SESE	IR	2.4	11/4/1933	Perkins
12310	8	43	33	SWSW	IR	2.1	11/4/1933	Perkins
12310	9	43	4	NENW	IR	10.3	11/4/1933	Perkins
12310	9	43	4	NWNW	IR	8.6	11/4/1933	Perkins
12310	9	43	5	NENE	IR	18.8	11/4/1933	Perkins
12310	9	43	5	NWNE	IR	1.2	11/4/1933	Perkins
				SUBTOTAL		318.3		

68438 8 42 17 NWSE IR 28.6 1888 Cranston

SUBTOTAL 28.6

IR - Irrigation, IS - Supplemental Irrigation, W - Wildlife Attraction

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

The applicant proposes to change the point of diversion to: Cranston Ditch SW¼ NW¼, Section 17, T8S, R42E, WM; 880'E of the W¼ corner, Section 17 for the lands with Cranston in the above table. The applicant also proposed to add an additional point of diversion to: Perkins Ditch - NW¼ SW¼, Section 17, T8S, R42E, WM; 50'S & 800'E from W¼ corner, Section 17 for the lands with Perkins in the above table.

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, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.
4. Water shall be acquired from the same surface water source as the original point of diversion.

Certificates 4032, 4092, 4093, 4218, 4318, 4319, 4410, 4411, 4432, 4493, 4583, 11021, 12310, and 68438 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer or in the HB3111 petition filed by Lower Powder River Irrigation District. When satisfactory proof of the completed changes are received and HB3111 petition is completed, new certificates confirming those water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed JUN 27 1997.



Martha O. Pagel, Director