

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, as conditioned or limited herein, TRANSFER 7944 submitted by

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The 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 4448. 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 for 2.2 acres and 1890 for 5.0 acres.

The right allows the use of PINE CREEK, a tributary of POWDER RIVER, for IRRIGATION OF 7.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH of one cubic foot per second per acre, if available at the original point of diversion: BOWMAN-JEFFERIES DITCH; NW¼ SE¼, SECTION 30, T 8 S, R 39 E, WM; 2420 FEET NORTH AND 154 FEET EAST OF THE SOUTH ¼ CORNER SECTION 30, 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 SW¼ 7.2 ACRES
SECTION 29
TOWNSHIP 8 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 and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the point of diversion to:

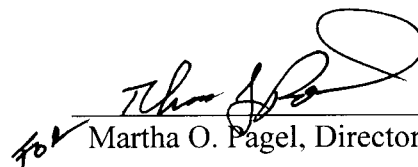
NE¼ SW¼, SECTION 29, T 8 S, R 39 E, W.M.; 2403 FEET NORTH AND 1358 FEET EAST OF THE SW CORNER SECTION 29.

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, 1999.
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 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. When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.
5. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 4448 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 JUN 22 1998.


for Martha O. Pagel, Director