

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 7559 submitted by

ELMER D. AND JANIS M. HILL
BOX 226
NORTH POWDER, OR 97867.

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 52516. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1870.

The right allows the use of NORTH POWDER RIVER, a tributary of POWDER RIVER, for STOCK AND IRRIGATION OF 14.0 ACRES. This right is limited to 0.35 cubic foot per second, if available at the authorized point of diversion: 2600 FEET NORTH AND 440 FEET WEST FROM SOUTHEAST CORNER, SECTION 28; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 28, TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M., or its equivalent in case of rotation.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) from March 1 to July 1 and ONE-EIGHTIETH of one cubic foot per second from July 1 to October 1 of each year; the total quantity diverted during each irrigation season not to exceed 2.5 acre-feet for each acre irrigated.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.0 ACRES
SECTION 22
TOWNSHIP 6 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: 450 FEET NORTH AND 2320 FEET WEST FROM SOUTHEAST CORNER SECTION 22; SW¼ SE¼, SECTION 22, TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

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, 1997.
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 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 or 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.

An affidavit was received from Elmer D. and Janis M. Hill, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled for their lands.

The abandoned water right is a portion of the right described by Certificate 52516, State Record of Water Right Certificates. The abandoned water right is from North Powder River, a tributary of Powder River. The date of priority is 1870. The abandoned water right is for domestic use.

A description of the place of use of the abandoned right is as follows:

SW¼ SE¼, Section 22, Township 6 South, Range 39 East, W.M.

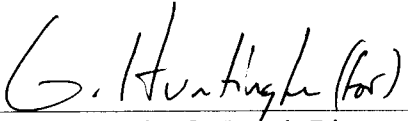
ORS 540.621 provides: “Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right.”

The portion of the water right requested to be canceled as described herein, is canceled.

Certificate 52516 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

Sept - 30, 1996



Martha O. Pagel, Director