

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING 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 8681 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 UNION COUNTY as evidenced by Certificate 50403. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The dates of priority are 1868 and 1870.

The right allows the use of LADD CREEK AND CATHERINE CREEK, tributaries of the GRANDE RONDE RIVER, for IRRIGATION OF 125.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.12 cubic feet per second, if available at the authorized points of diversion: LADD CREEK- SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 36, T 3 S, R 38 E, W.M.; CATHERINE CREEK- SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 3, T 4 S, R 39 E, W.M., 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-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 authorized place of use is located as follows:

LADD CREEK

(1868)

NE $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES

NW $\frac{1}{4}$  NW $\frac{1}{4}$  40.0 ACRES

SECTION 32

TOWNSHIP 3 SOUTH, RANGE 29 EAST, W.M.

CATHERINE CREEK

(1870)

SW $\frac{1}{4}$  SE $\frac{1}{4}$  25.0 ACRES

SECTION 29

NW $\frac{1}{4}$  NE $\frac{1}{4}$  20.0 ACRES

SECTION 32

TOWNSHIP 3 SOUTH, RANGE 29 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 add an additional point of diversion to:

NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 29, T 3 S, R 39 E, W.M., : 2591 FEET NORTH AND 505 FEET WEST FROM THE SE CORNER, SECTION 29.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

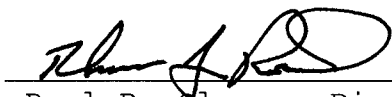
1. The proposed change shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. **Prior** to diverting water at the new point of diversion, 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 at both the new point of diversion and the authorized (original) point of diversion on both Ladd Creek and Catherine Creek. The type and plans of the headgate and measuring device must be approved by the Watermaster prior to beginning construction and shall be installed under the general supervision of the Watermaster.
4. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
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 50403 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 20 2003.

  
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Paul R. Cleary, Director