

STATE OF OREGON

COUNTY OF UMATILLA

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 6558 submitted by

MARVIN L. AND CINDA KLAGES-McKENZIE  
ROUTE 4 BOX 4110-B  
HERMISTON, OREGON 97838.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 245. The date of priority is FEBRUARY 25, 1904.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.10 cubic foot per second, if available at the authorized point of diversion: MAXWELL CANAL IN THE NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 28, T 4 N, R 28 E, W.M., 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 UMATILLA County. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 243. The date of priority is SEPTEMBER 6, 1905.

The right allows the use of WATER STORED IN COLD SPRINGS RESERVOIR, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION OF 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used, if available at the authorized point of diversion: COLD SPRINGS DAM, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 3, T 4 N, R 29 E, W.M., 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 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 6 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$  4.0 ACRES  
SECTION 20  
TOWNSHIP 4 NORTH, RANGE 28 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 from the Maxwell Canal to a pump located:

NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 20, T 4 N, R 28 E, W.M.; 515 FEET  
NORTH AND 65 FEET EAST FROM THE SW CORNER OF THE NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  OF  
SECTION 20.

The use of water from Cold Springs Reservoir is not being affected by this transfer.

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 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. Water shall be acquired from the same surface water source as the original point of diversion.

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           JUL 9 1996          .

  
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Martha O. Pagel, Director