

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING ADDITIONAL POINTS 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 7504 submitted by

AGRI-STAR CORPORATION
P.O. BOX 340
NORTH POWDER, OREGON 97867.

The first 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 1485. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1893.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION of 25.8 ACRES and STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.645 cubic foot per second from MARCH 1 to JUNE 30, and 0.32 cubic foot per second from July 1 to October 1 of each year, if available at the authorized point of diversion: JACOBSON DITCH, 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 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 dates of priority are 1870 for irrigation of 57.8 acres and stock, and 1884 for irrigation of 15.3 acres.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION of 73.1 ACRES and STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.83 cubic feet per second from MARCH 1 to JUNE 30, and 0.91 cubic foot per second from JULY 1 to OCTOBER 1 of each year, if available at the authorized point of diversion: LUN DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

T-7504.

Special Order Volume 50, Page 771 .

The third 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 52918. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1890.

The right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 110.3 ACRES and STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.75 cubic feet per second from MARCH 1 to JUNE 30, and 1.37 cubic feet per second from JULY 1 to OCTOBER 1 of each year, if available at the authorized point of diversion: HARLAN-SAUNDERS DITCH, 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 2½ acre-feet for each acre irrigated during the irrigation season of March 1 to October 1 of each year.

The right to use water for the above purpose is restricted to beneficial use on the lands described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to add additional points of diversion to:

NW¼ SE¼, and SW¼ SE¼, SECTION 22, TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.; 1- 969 FEET NORTH AND 2055 FEET WEST FROM THE SE CORNER, SECTION 22; 2- 1269 FEET SOUTH AND 1607 FEET WEST FROM THE E¼ CORNER, SECTION 22.

The places of use for these rights are described in the petition submitted by Powder Valley Water Control District under the provisions of ORS 541.329.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water lawfully available at the original points of diversion.

- 3 The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The water user shall operate and maintain the headgates and measuring devices, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.
5. Water shall be acquired from the same surface water source as the original points of diversion.

Certificates 1485, 52516, and 52918 is cancelled. New certificates will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed October 24, 1986.



Martha O. Pagel, Director