

STATE OF OREGON

COUNTY OF BAKER

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 9379 submitted by

WILLIAMS DITCH COMPANY
13967 HUNT MT. LN.
BAKER CITY, OREGON 97814.

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 72621. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is APRIL 1863.

The right allows the use of PINE CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 156.36 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.91 cubic feet per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 29, T 8 S, R 39 E, W.M.; BOWLES DITCH - 2170 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 29, 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 during the irrigation season of each year.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.09 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.18 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.09 ACRES
SECTION 28

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 an additional point of diversion located:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 29, T 8 S, R 39 E, W.M.; 2380 FEET NORTH AND 1810 FEET EAST FROM THE SW CORNER OF SECTION 29.

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

1. The proposed change shall be completed on or before October 1, 2006.
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 the diversion of water, 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.
5. 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 72621 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 OCTOBER 6, 2004.


Phillip C. Ward,
Acting Director