

**BEFORE THE WATER RESOURCES DEPARTMENT  
FOR THE  
STATE OF OREGON**

Order of Proper Proof of Changes in Point of )  
Diversion Under Transfer 11632 )

Final Order

THIS ORDER ISSUED TO:

UNITED STATES OF AMERICA  
BUREAU OF RECLAMATION  
1150 N CURTIS RD SUITE 100  
BAKER CITY OR 97814

MARK L WINTON  
JULIE A WINTON  
25328 KEATING GRANGE LANE  
BAKER CITY OR 97814

confirms the right of record to use the waters of POWDER RIVER, tributary to SNAKE RIVER INCLUDING WATER STORED IN THIEF VALLEY RESERVOIR, CONSTRUCTED UNDER PERMIT R-667, A TRIBUTARY OF POWDER RIVER, for IRRIGATION OF 127.0 ACRES.

This right was perfected under the terms of Permit S-11092. The date of priority is November 4, 1933.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.17 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

TwP	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Measured Distances
9 S	43 E	WM	5	NW NE	2	400	POD 1 - 75 FEET SOUTH AND 1545 FEET WEST FROM NE CORNER, SECTION 5

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre, from direct flow, or its equivalent for each acre irrigated during the irrigation season from April 1 to October 1 of each year. The use shall conform to such reasonable system as may be ordered by the proper state officer.

A description of the place of use is as follows:

TwP	Rng	Mer	Sec	Q-Q	GLot	Acres
8 S	43 E	WM	32	SW SW		7.8
8 S	43 E	WM	32	SE SW		0.5
8 S	43 E	WM	33	SW SW		2.1
9 S	43 E	WM	4	NE NW	3	10.3
9 S	43 E	WM	4	NW NW	4	8.6
9 S	43 E	WM	5	NE NE	1	22.0
9 S	43 E	WM	5	NW NE	2	31.2
9 S	43 E	WM	5	NE NW	3	25.1
9 S	43 E	WM	5	NW NW	4	19.4

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	41 E	WM	28	NW SE	BASCHE DITCH (POD 2) - 1880 FEET NORTH AND 600 FEET EAST FROM S1/4 CORNER, SECTION 28
8 S	42 E	WM	17	NW SW	PERKINS DITCH (POD 6) - 50 FEET SOUTH AND 800 FEET EAST FROM W1/4 CORNER, SECTION 17
8 S	42 E	WM	18	NE NE	OLD PERKINS DITCH (POD 8) - 900 FEET SOUTH AND 700 FEET WEST FROM NE CORNER, SECTION 18

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device in good working order at each point of diversion at the new point of diversion.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards.


The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

The use confirmed herein may be made only at times when sufficient water is maintaining instream flows.

This order is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered APRIL 24, 2014, at Special Order Volume 92, Page 313, approving Transfer Application 11632, affecting a portion of Certificate 74050, State record of Water Right Certificates.

The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping. **FEB 09 2017**

Issued \_\_\_\_\_.

  
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department