

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 7153 submitted by

PHILLIP DAVIS  
ROUTE 3, BOX 210 A  
MILTON-FREEWATER, OREGON 97862.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by a PORTION of Certificate 13175. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The dates of priority are 1892 for 2.61 acres, 1898 for 1.96 acres, and 1903 for 1.96 acres.

The right allows the use of the EAST AND WEST BRANCHES OF THE CROCKETT BRANCH OF THE LITTLE WALLA WALLA RIVER, a tributary of the WALLA WALLA RIVER, for IRRIGATION OF 6.53 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 9.79 MINER'S INCHES (0.24 CUBIC FOOT PER SECOND), if available at the authorized point of diversion: SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 26, T 6 N, R 35 E, WM; WEST BRANCH POD - 20 FEET NORTH AND 440 FEET WEST FROM THE E $\frac{1}{4}$  CORNER, SECTION 26; EAST BRANCH POD - 22 FEET NORTH AND 1316 FEET EAST FROM THE S $\frac{1}{4}$  CORNER, SECTION 26, 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 existing for the same lands, is limited to ONE AND ONE-HALF MINER'S INCHES 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:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  6.53 ACRES  
SECTION 26  
TOWNSHIP 6 NORTH, RANGE 35 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 points of diversion to:

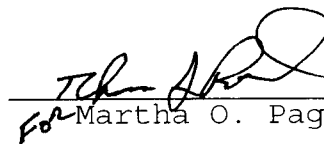
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 26, T 6 N, R 35 E, W.M.; 1675 FEET SOUTH AND 1112 FEET EAST FROM THE N $\frac{1}{4}$  CORNER, SECTION 26.

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, 1999.
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. When required by the Department, 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. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.

Certificate 13175 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 SEP 15 1998.

  
for Martha O. Pagel, Director