

STATE OF OREGON

COUNTY OF UNION AND BAKER

ORDER APPROVING AN EMERGENCY USE DROUGHT  
TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 536.750 and OAR 690-19-0055, after finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY DROUGHT TRANSFER 8870 submitted by

AGRI-STAR, INC.  
BY DOUGLAS M. LEWIS, PRESIDENT  
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 76967. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 252. The date of priority is 1887 for irrigation of 37.0 acres and 1870 for irrigation of 37.0 acres.

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 right allows the use of the NORTH POWDER RIVER, a tributary of the POWDER RIVER, for IRRIGATION OF 74.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.85 cubic feet per second from March 1 to June 30 and 0.93 cubic foot per second from July 1 to October 1 of each year, the total quantity diverted during each irrigation season not to exceed 185.0 acre-feet, if available at the authorized point of diversion: NE¼ SE¼, SECTION 28, T 28 S, R 39 E, W.M.; LUN DITCH - 2600 FEET NORTH AND 440 FEET WEST FROM THE SE CORNER, SECTION 28, or its equivalent in case of rotation, measured at the point of diversion from the source.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

1870

NE¼ SE¼            37.0 ACRES  
SECTION 22

1884

SE¼ NW¼            37.0 ACRES  
SECTION 27  
TOWNSHIP 6 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.

The applicant proposes to TEMPORARILY change the place of use to:

1884

NE¼ SE¼            37.0 ACRES  
SECTION 22

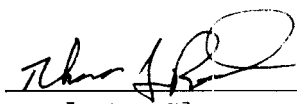
1870  
SE¼ NW¼        37.0 ACRES  
SECTION 27  
TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

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

1. This change is temporary. This change shall be effective upon issuance of this order.
2. The use shall revert to the authorized place of use at the end of the 2001 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary transfer may be revoked if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.
4. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.
5. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

WITNESS the signature of the Water Resources

Director, affixed           **AUG 06 2001**          .

  
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for Paul R. Cleary, Director