

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 8570 submitted by

LANCE BULLOCK
55875 NORTH FORK WALLA WALLA RIVER ROAD
MILTON-FREEWATER, OREGON 97862.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by Certificate 12798. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1895.

The right allows the use of NORTH FORK WALLA WALLA RIVER, a tributary of WALLA WALLA RIVER, for IRRIGATION OF 6.1 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre, if available at the authorized point of diversion: UNNAMED DITCH - NE¼ NW¼, SECTION 23, T 5 N, R 36 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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 183.484. 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 authorized place of use is located as follows:

SW¼ NW¼ 6.1 ACRES
SECTION 23
TOWNSHIP 5 NORTH, RANGE 36 EAST, W.M.

Being within the following described tract:

Commencing at a point 300 feet north of the southwest corner of NW¼, Sec. 23, T.5 N., R.36 E., W.M., running thence east parallel with the south line of said NW¼ of Sec. 23, 80 rods; thence north 62 rods more or less, to the center of said quarter-Sec.; thence west 80 rods to the west line of said Sec. 23; thence south along said Sec. Line 62 rods more or less to the place of beginning, containing 31 acres.

The SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by Certificate 12799. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1907.

The right allows the use of NORTH FORK WALLA WALLA RIVER, a tributary of WALLA WALLA RIVER, for IRRIGATION of 3.3 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre, if available at the authorized point of diversion: UNNAMED DITCH - NE¼ NW¼, SECTION 23, T 5 N, R 36 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW¼ NW¼ 3.3 ACRES
SECTION 23
TOWNSHIP 5 NORTH, RANGE 36 EAST, W.M.

The THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by Certificate 12834. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1897.

The right allows the use of NORTH FORK WALLA WALLA RIVER, a tributary of WALLA WALLA RIVER, for IRRIGATION of 5.0 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre, if available at the authorized point of diversion: UNNAMED - NE¼ NW¼, SECTION 23, T 5 N, R 36 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW¼ NW¼ 5.0 ACRES
SECTION 23
TOWNSHIP 5 NORTH, RANGE 36 EAST, W.M.;

being that portion of said NW¼ NW¼ of Sec. 23 lying south
of the channel of the North Fork of the Walla Walla
River.

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 point of diversion for above listed rights to:

NW¼ NW¼, SECTION 23, T 5 N, R 36 E, W.M.; 1361 FEET NORTH
AND 395 FEET EAST FROM W¼ CORNER, SECTION 23.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 2005.
2. 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.
3. 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.

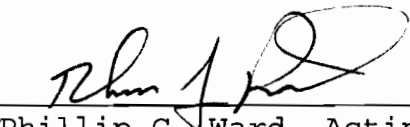
4. When required by the Department, the water user shall operate the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. 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.

Certificates 12798, 12799 and 12834 are cancelled. 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 July 30, 2004.


for Phillip C. Ward, Acting Director