

STATE OF OREGON

COUNTY OF UMATILLA

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 7396 submitted by

CALVIN N. BLESSINGER
5620 200TH STREET SW, BLDG A-217
LYNWOOD, WASHINGTON 98036.

The first right to be modified, as evidenced by a portion of Certificate 49819, was perfected under Permit 519 with a date of priority of NOVEMBER 26, 1910. The right allows the use of SWARTZ SPRING CREEK, a tributary of PINE CREEK, for IRRIGATION OF 112.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.40 CUBIC FEET PER SECOND, if available at the authorized point of diversion: NW¼ SE¼, SECTION 23, TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.; 800 FEET EAST AND 1500 FEET NORTH FROM THE SOUTH¼ CORNER, SECTION 23, 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 an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season of each year.

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

T-7396.BW

Special Order Volume 51, Page 914 .

SP OR V 53P 1322

AMENDED by special order
v. 52 pg. 744

The authorized place of use is located as follows:

SW¼ NE¼ 15.0 ACRES
SE¼ NE¼ 30.0 ACRES
NE¼ SE¼ 11.4 ACRES
SECTION 21

SW¼ SW¼ 15.8 ACRES
SE¼ SW¼ 40.0 ACRES
SECTION 22

TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.

The second right to be modified, as evidenced by Certificate 5150, was perfected under Permit 5673 with a date of priority of SEPTEMBER 7, 1922. The right allows the use of SWARTZ SPRING CREEK, a tributary of PINE CREEK, for IRRIGATION OF 23.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 90.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.1 CUBIC FEET PER SECOND, if available at the authorized point of diversion: NW¼ SE¼, SECTION 23, TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.; 800 FEET EAST AND 1500 FEET NORTH FROM THE SOUTH¼ CORNER, SECTION 23, 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 located as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW¼ NE¼	10.0 ACRES	
NE¼ SW¼		40.0 ACRES
NW¼ SW¼		38.6 ACRES
NW¼ SE¼		12.0 ACRES
NW¼ SE¼	13.4 ACRES	

SECTION 22

TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.

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

The applicant proposes to add an additional point of diversion to:

NW¼ NE¼, SECTION 22, TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.; 1080 FEET SOUTH AND 1460 FEET WEST FROM THE NORTHEAST CORNER, SECTION 22.

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

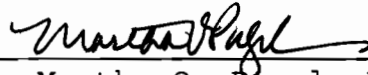
1. The proposed change shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water 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. The water user shall install and maintain a fish screen or 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 Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

5. Water shall be acquired from the same surface water source as the original point of diversion.

Certificates 49819 and 5150 are canceled. A new certificate will be issued to confirm that portion of Certificate 49819 NOT involved in this transfer. 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 AUG 08 1997 .



Martha O. Pagel, Director