

STATE OF OREGON

COUNTY OF UNION

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 7305 submitted by

DANIEL P. CLERGET
68044 INDIAN CREEK ROAD
ELGIN, OREGON 97827

The right to be modified, as evidenced by Certificate 36694, was perfected under Permit 31027 with a date of priority of NOVEMBER 12, 1965. The right allows the use of INDIAN CREEK, a tributary of GRANDE RONDE RIVER, for IRRIGATION OF 89.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.25 cubic feet per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 12, T 1 S, R 39 E, W.M., 290 FEET SOUTH AND 910 FEET WEST FROM EAST $\frac{1}{4}$ CORNER OF SECTION 12, 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 a diversion of ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet 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.

The authorized place of use is located as follows:

SW¼ SW¼	37.8 ACRES
SE¼ SW¼	37.4 ACRES
NW¼ SE¼	3.6 ACRES
SW¼ SE¼	11.0 ACRES

SECTION 36

TOWNSHIP 1 NORTH, RANGE 39 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

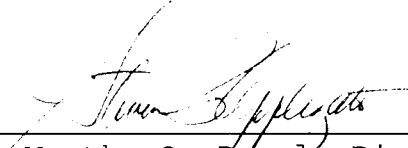
The applicant proposes to ADD AN ADDITION POINT OF DIVERSION: SW¼ SE¼, SECTION 36, T 1 N, R 39 E, W.M., N. 65°22'40" W., 2791.43 FEET FROM THE SE CORNER OF SECTION 36.

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, 1997.
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. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 36694 is canceled. 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 February 26, 1996.


for Martha O. Pagel, Director