

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A HISTORIC CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.532, after notice was given, a protest was filed against transfer application 8658 by Sid Prowell, President of Correll Ditch Company, on November 20, 2001 alleging the proposed transfer would injure existing water rights. On March 6, 2002, Sid Prowell submitted a letter withdrawing the protest. Finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8658 submitted by

KENNETH AND ANITA WEST
43084 SUNNYSLOPE ROAD
BAKER CITY, OREGON 97814.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by a PORTION of Certificate 73405. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is MARCH 1905.

The right allows the use of the POWDER RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 11.7 ACRES. The amount of water used for irrigation, together with the amount secured under any

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.

other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre irrigated, unless otherwise stated in each tract, during the irrigation season of each year.

The authorized point of diversion is located as follows:

POINT 6 - (SMITH): NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 19, T 10 S, R 40 E, W.M.; 945 FEET SOUTH AND 1865 FEET WEST FROM NE CORNER, SECTION 19.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.7 ACRES
SECTION 2
TOWNSHIP 9 SOUTH, RANGE 40 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 point of diversion to accurately reflect the historical point of diversion used as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T 9 S, R 40 E, W.M.; 50 FEET NORTH AND 2720 FEET EAST FROM THE C $\frac{1}{4}$ CORNER, SECTION 8.

The applicant provided evidence that the proposed point of diversion has been in use for more than ten years.

The applicant provided notice to affected water rights as determined by the Department.

The Watermaster provided information that there have been no claims of injury due to use of water from the proposed point of diversion.


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

1. The change is effective immediately.
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. Water shall be acquired from the same surface water source as the original point of diversion.

Except as modified herein, all other conditions and restrictions of Certificate 73405 remain in effect. When the Director determines that it is necessary, or to facilitate records keeping, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm those portions of the rights not modified by this or any other order.

WITNESS the signature of the Water Resources

Director, affixed MAR 14 2002.



Paul R. Cleary, Director