

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given, a protest was filed against transfer application 8255. The protestant, however, withdrew the protest on June 5, 2003. Finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8255 submitted by

UNION COUNTY
1106 "K" AVENUE
LA GRANDE, OREGON 97850.

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 6538. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1874.

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 CATHERINE CREEK, a tributary of the GRANDE RONDE RIVER, for IRRIGATION OF 22.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 19, T 4 S, R 40 E, W.M.; 810 FEET SOUTH AND 178 FEET WEST FROM THE NE CORNER, SECTION 19, 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:

NE¼ SW¼	12.0 ACRES
NW¼ SE¼	10.0 ACRES
SECTION 19	
TOWNSHIP 4 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 SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by Certificate 45104. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1874.

The right allows the use of CATHERINE CREEK, a tributary of the GRANDE RONDE RIVER, for IRRIGATION OF 12.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FORTIETH cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 19, T 4 S, R 40 E, W.M.; 850 FEET SOUTH AND 2870 FEET WEST FROM THE N¼ CORNER, SECTION 20, 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:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES

SECTION 19
TOWNSHIP 4 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 character of use from IRRIGATION to MUNICIPAL USE.

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

SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 24

TOWNSHIP 4 SOUTH,
RANGE 39 EAST, W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 18

NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 19

NW¼ NE¼
SW¼ NE¼
SE¼ NE¼
NW¼ SW¼
NE¼ SW¼
SW¼ SW¼
SE¼ SW¼
NE¼ SE¼
NW¼ SE¼
SW¼ SE¼
SE¼ SE¼

SECTION 19

NW¼ NE¼
SECTION 30
TOWNSHIP 4 SOUTH,
RANGE 40 EAST, W.M.

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, 2008.
2. **Prior** to diverting water for the new use, 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 Watermaster prior to beginning construction and shall be installed under the general supervision of the Watermaster.
3. The former place of use shall no longer be irrigated as a part of this water right.
4. The use of water for municipal purposes shall be limited to 0.85 cubic foot per second and shall not exceed 102.0 acre-feet during the irrigation season of each year.

5. Notwithstanding ORS 536.750(1)(c), which would allow a junior water right holder to be granted a preference for water use for human consumption or livestock watering after a declaration of drought, the water user shall subordinate water use under this right to any water right with a priority date of 1874 or earlier.

Certificates 6538 and 45104 are canceled. A new certificate will be issued to confirm that portion of the Certificate 6538 NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed JUN 30 2003.


For Paul R. Cleary, Director