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WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

STIPULATED ORDER CLARIFYING A WATER RIGHT

On February 7, 1916, the Circuit Court of the State of Oregon for Union County, Oregon, completed the determination of the relative rights to the use of the waters of the North Powder River and its tributaries, a tributary of the Powder River, in Union and Baker Counties, Oregon, and issued the North Powder Decree. The decree is entered in the order record of the Water Resources Department in Volume 3, at Page 252.

As part of the North Powder River Decree, the Circuit court awarded a water right to the Estate of W.L. Miller, Dec'd. The right allows the use of the North Powder River for Irrigation of 296 acres, Domestic, and Stock; being 50 acres with a priority of 1865, through the Gardner Ditch; 25 acres with a priority of 1871, through the Mill Race Ditch; 35 acres with a priority of 1875, through Mill Race Ditch; 38 acres with a priority of 1869, through the Bamberger Ditch; and, 148 acres with a priority of 1890, through the Powers Company Ditches. The place of use is listed as:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	9.5 ACRES
SECTION 27	

NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	24.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	25.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES
SECTION 28	

NE $\frac{1}{4}$ NW $\frac{1}{4}$	35.0 ACRES
W $\frac{1}{2}$ NW $\frac{1}{4}$	80.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES
SECTION 34	

TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.

Certificate 1496 was issued by the State Engineer to confirm the water right awarded by the Circuit Court. The certificate listed the purpose as "irrigation of 296 acres and domestic and stock." The priority dates were listed as "from the year 1865 for the irrigation of 50 acres, from 1871 for 25 acres, from 1875 for 35 acres, from 1869 for 38 acres and 1890 for 148 acres." The place of use is the same as listed in the decree.

Daniel Thee filed water right transfer applications requesting to change the points of diversion for portions of this water right. A protest against the transfers was submitted by Amanda Steele who claimed that a portion of the priorities in the transfer application covered land belonging to her.

The Water Resources Department staff reviewed the transfer applications and the protests against approval of the transfers. Based on available information and staff recommendations, the Water Resources Director determined Water Right Certificate 1496 does not identify the lands to which the right is appurtenant with sufficient specificity for consideration of a transfer of the water right. In accordance with OAR 690-15-400, the Director issued a proposed order clarifying the priorities and place of use to which the water right is appurtenant. An opportunity to request a contested case hearing was also provided.

Mr. Thee and Ms. Steele disagreed with the Director's proposed apportionment of the lands with the 1865 priority. Mr. Thee requested a hearing to resolve the matter. In lieu of a hearing, both parties and department staff negotiated the following apportionment of the priorities involved in Water Right Certificate 1469. The apportionment in this stipulation is based on the best information available and Water Right Certificate 1496. The order identifies the lands to which the right is appurtenant with sufficient specificity for consideration of a transfer of the water right.

In accordance with OAR 690-15-400, the Director is issuing this stipulated order to clarify the priorities and place of use of the land to which the water right is appurtenant with agreement of the landowners involved in the right. The landowners include Daniel Thee, Amanda Steele and Richard Laufer. By this agreement the owners waive future appeal rights relating to and acknowledge that the resulting order shall be conclusive evidence of the priorities and appurtenance of the right described by Water Right Certificate 1469.

The lands to which the water right is appurtenant, with the respective priority dates, are as follows:

	1865	1871	1875	1869	1890
NE ¼ SW¼					8.0 ACRES
NW¼ SW¼					10.0 ACRES
SW¼ SW¼					30.0 ACRES
SE¼ SW¼					9.5 ACRES

SECTION 27

	1865	1871	1875	1869	1890
NE¼ SE¼				10.0 ACRES	
NW¼ SE¼				22.0 ACRES	
SW¼ SE¼				4.0 ACRES	20.5 ACRES
SE¼ SE¼	14.0 ACRES				11.0 ACRES
NE¼ SW¼				2.0 ACRES	

SECTION 28

1865 1871 1875 1869 1890

NE $\frac{1}{4}$ NW $\frac{1}{4}$			35.0 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 ACRES			30.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0 ACRES	5.0 ACRES		15.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 ACRES	20.0 ACRES		14.0 ACRES

SECTION 34
TOWNSHIP 6 SOUTH, RANGE 38 EAST, W.M.

The records of the Water Resources Department shall be corrected to clarify the place of use and priorities as described above. This order is an addendum to Water Right Certificate 1496. No further action is required. It is hereby stipulated and agreed.

Dave Stahl 7-13-98
Name Date

Karen B Stahl 7-13-98
Name Date

Bob Stahl 10-22-98
Name Date

Ann A. Stahl 10-22-98
Name Date

Richard Stahl 10-20-98
Name Date

Mary K. Stahl 10-22-98
Name Date

WITNESS the signature of the Water Resources Director, affixed NOV 03 1998

Martha O. Page
Martha O. Page, Director