

**BEFORE THE WATER RESOURCES DEPARTMENT  
FOR THE  
STATE OF OREGON**

Order of Proper Proof of an Additional Point of )  
 Diversion and Correction to Certificate Under ) Final Order  
 Transfer T-8697 )

THIS ORDER ISSUED TO:

BAKER VALLEY IRRIGATION DISTRICT  
 3895 10<sup>TH</sup> ST  
 BAKER CITY OR 97814

confirms the right of record to use the waters of POWDER RIVER, A TRIBUTARY OF SNAKE RIVER, for IRRIGATION OF 430.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 6, at Page 291. The dates of priority are 1864, 1865, 1866, 1869, May 6, 1876, 1877, 1878, 1883, 1885, 1889, 1898, and 1899.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	40 E	WM	33	SW SW	POINT 24 (WENDT EAST) (ORIGINAL) – 1000 FEET NORTH AND 600 FEET EAST FROM SW CORNER, SECTION 33
8 S	40 E	WM	33	SW SW	POINT 25 (WENDT WEST) (ORIGINAL) – 1010 FEET NORTH AND 560 FEET EAST FROM SW CORNER, SECTION 33
9 S	40 E	WM	5	SE NE	POINT 22 (COMPANY EAST) (ORIGINAL) – 1600 FEET SOUTH AND 280 FEET WEST FROM THE NE CORNER, SECTION 5
9 S	40 E	WM	5	SE NE	POINT 23 (COMPANY WEST) (ORIGINAL) - 1600 FEET SOUTH AND 320 FEET WEST FROM NE CORNER, SECTION 5
9 S	40 E	WM	5	NE SE	POINT 20 (MCENROE EAST) (ORIGINAL) – 2250 FEET NORTH AND 320 FEET WEST FROM SE CORNER, SECTION 5
9 S	40 E	WM	8	NE NE	POINT 18 (ESTES WEST) (ADDITIONAL) - 110 FEET SOUTH AND 600 FEET WEST FROM NE CORNER, SECTION 8

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 for each acre irrigated, unless otherwise stated in each tract, during the irrigation season of each year.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

A description of the place of use is as follows:

Township	Range	Meridian	Sec	Q-Q	POD	Priority	Acres	Tract
8 S	40 E	W.M.	20	NW NW	18, 23	1866	26.8	60
8 S	40 E	W.M.	20	SW NW	18, 23	1866	38.8	60
8 S	40 E	W.M.	32	NE NE	18, 23	5/6/1876	6.2	27
8 S	40 E	W.M.	32	NE NE	18, 23	1878	5.5	27
8 S	40 E	W.M.	32	SE NE	18, 23	5/6/1876	34.0	27
8 S	40 E	W.M.	33	NE SW	18, 23	1889	5.0	23
8 S	40 E	W.M.	33	NE SW	18, 22	1885	35.0	77
8 S	40 E	W.M.	33	NW SW	18, 23	1885	13.0	77
8 S	40 E	W.M.	33	NW SW	18, 25	1885	5.8	77
8 S	40 E	W.M.	33	NW SW	18, 24	1885	13.0	77
8 S	40 E	W.M.	33	SW SW	18, 23	1885	12.0	77
8 S	40 E	W.M.	33	SW SW	18, 22	1885	19.0	77
8 S	40 E	W.M.	33	SW SW	18, 25	1885	0.6	77
8 S	40 E	W.M.	33	SW SW	18, 24	1885	6.4	77
8 S	40 E	W.M.	33	SE SW	18, 23	1864	1.0	21
8 S	40 E	W.M.	33	SE SW	18, 23	1883	7.8	21
8 S	40 E	W.M.	33	SE SW	18, 23	1865	6.0	22
8 S	40 E	W.M.	33	SE SW	18, 23	1889	15.0	22
8 S	40 E	W.M.	33	SE SW	18, 23	5/6/1876	1.8	78
9 S	40 E	W.M.	4	NW NE	18, 20	1899	6.0	50
9 S	40 E	W.M.	4	SW NE	18, 20	1889	24.0	49
9 S	40 E	W.M.	4	SW NE	18, 20	1899	4.0	50
9 S	40 E	W.M.	4	NE NW	18, 23	1869	22.0	105
9 S	40 E	W.M.	4	NW NW	18, 22	5/6/1876	2.4	78
9 S	40 E	W.M.	4	NW NW	18, 22	1869	5.0	105
9 S	40 E	W.M.	4	NW NW	18, 22	1898	30.0	105
9 S	40 E	W.M.	4	SE NW	18, 20	1877	32.0	49
9 S	40 E	W.M.	5	NE NE	18, 23	5/6/1876	28.2	78

Township	Range	Meridian	Sec	Q-Q	POD	Priority	Acres	Tract
9 S	40 E	W.M.	5	NE NE	18, 23	1869	10.0	78
9 S	40 E	W.M.	5	SE NE	18, 20	1877	36.0	49

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The quantity of water diverted at the additional point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

When required by the Department, 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.

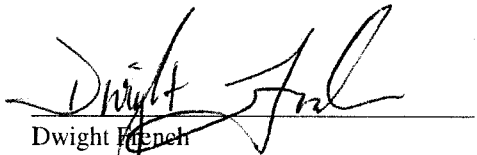
The right to the use of the water is restricted to beneficial use at the place of use described, and subject to all other conditions and limitations contained in said decree.

This order is issued to confirm AN ADDITIONAL POINT OF DIVERSION and correction to the Certificate approved by an order of the Water Resources Director entered September 27, 2006, at Special Order Volume 70, Page 272, approving Transfer Application 8697, affecting a portion of Certificate 73405, State record of Water Right Certificates.

The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

**MAR 17 2017**

Issued \_\_\_\_\_



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department