

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING CHANGES IN USE AND PLACE OF USE,
AND CANCELING A PORTION OF A WATER RIGHT

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 8095 submitted by

KEN HOLMAN
51244 OREGON TRAIL ROAD
NORTH POWDER, OREGON 97867.

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 4560. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1871.

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 PARKER SPRINGS, a tributary of WOLF CREEK, for IRRIGATION OF 3.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.075 cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 16, T 6 S, R 39 E, WM; South 364 feet and West 487 feet from NE corner, Section 16, 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 for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NE¼ NE¼ 3.0 ACRES
SECTION 16
TOWNSHIP 6 SOUTH, RANGE 39 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 use and place of use to COMMERCIAL USE, Water Bottling in a building, in the:

NE¼ NE¼
SECTION 16
TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

An Affidavit was received from Ken Holman and Patsy Holman, owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 4560, State Record of Water Right Certificates. The abandoned water right is for the use of water from WOLF CREEK, a tributary of POWDER RIVER. The date of priority is 1871. The abandoned water right is for IRRIGATION.

A description of the place of use of the abandoned right is as follows:

NE¼ NE¼ 3.0 ACRES
SECTION 16
TOWNSHIP 6 SOUTH, RANGE 39 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

THESE CHANGES 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, 2001.
2. 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.
3. The former place of use shall no longer be irrigated as a part of this water right.

4. The amount of water used for Commercial Water Bottling is limited to 0.075 cubic foot per second, or its equivalent, for year-round use.

The portion of the water right requested to be canceled is canceled. Certificate 4560 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer upon completion of processing of the Powder Valley Water Control District remapping petition or in the event said petition is withdrawn. 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 12/29/99.



Martha O. Pagel, Director