

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF THE PROPOSED PARTIAL)
 CANCELLATION OF WATER RIGHT CERTIFICATES) FINAL ORDER ON
 4282, 4044, 4151, AND 4198 FOR STORAGE OF) PARTIAL CANCELLATION
 WATER IN KILLAMACUE RESERVOIR AND FOR) OF
 USE OF STORED WATER FROM KILLAMACUE) WATER RIGHTS
 RESERVOIR ON CERTAIN LANDS IN)
BAKER COUNTY, OREGON)

Notice of proposed cancellation was sent on March 13, 1996, by certified mail to the owners of record of certain real property located in Townships 7 and 8 South, Ranges 38 and 39 East, Willamette Meridian, of the proposed cancellation of the water rights for use of stored water from Killamacue Reservoir for irrigation use on this real property.

No protest having been filed within the 60-day period following mailing, pursuant to ORS 540.641, it is hereby ORDERED

That the portion of Certificate 4282 for storage of 486.31 af of water in Killamacue Reservoir and for use of such stored water on those lands described in the Notice of Proposed Cancellation and on the attached tabulation, and the right evidenced by same, be and the same is hereby CANCELLED.

It is FURTHER ORDERED that a new certificate be issued for storage of 311.76 af of water in Killamacue Reservoir and for use of such stored water for primary and supplemental irrigation use and stock use under Certificate 4073, 4075 and 19781 on those lands not in question and not cancelled in this proceeding, as follows:

| | | | |
|------------|------------|------------|------------|
| NE¼ | S½ SW¼ | SW¼ SW¼ | W½ NW¼ |
| NW¼ | S¼ SE¼ | Section 21 | Section 28 |
| NW¼ SW¼ | Section 20 | | |
| Section 29 | | | |

all in Township 7 South, Range 39 East, Willamette Meridian, being within Tax Lots 100, 4200, 3800, 3800A1 and 6600, Baker County, Oregon.

It is FURTHER ORDERED that the portion of Certificate 4044 for use of water from Killamacue Reservoir for irrigation of 40 acres in the NE¼ NE¼ Section 35 and 40 acres in the SE¼ SE¼ Section 26, both in Township 7 South, Range 38 East, being within Tax Lot 7600, and the water right evidenced by same, be and the same is hereby CANCELLED

It is FURTHER ORDERED that a new certificate be issued for use of water from Rock Creek under a priority of May 1, 1889, for irrigation of 40 acres in the NE¼ NE¼ Section 35 and 40 acres in the SE¼ SE¼ Section 26, both in Township 7 South, Range 38 East, being within Tax Lot 7600, evidencing the portion of Certificate 4044 not in question and not cancelled in this proceeding.

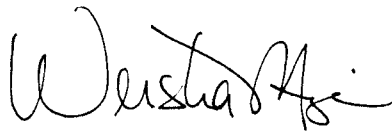
It is FURTHER ORDERED that the portion of Certificate 4151 for use of water from Killamacue Reservoir for irrigation of 80 acres in the S½ NE¼ , 80 acres in the N½ SE¼, and 40 acres in the SW¼ SE¼ Section 26, Township 7 South, Range 38 East, being within Tax lots 100, 200 and 7500, and the water right evidenced by same, be and the same is hereby CANCELLED

It is FURTHER ORDERED that a new certificate be issued for use of water from Rock Creek under a priority of 1879 for irrigation of 80 acres in the S½ NE¼ , 80 acres in the N½ SE¼, and 40 acres in the SW¼ SE¼ Section 26, Township 7 South, Range 38 East, being within Tax lots 100, 200 and 7500, evidencing the portion of Certificate 4151 not in question and not cancelled in this proceeding.

It is FURTHER ORDERED that the portion of Certificate 4198 for use of water from Killamacue Reservoir for irrigation of 40 acres in the SW¼ SW¼ and 40 acres in the SE¼ SW¼ Section 26, Township 7 South, Range 26 East, being within Tax Lots 7700 and 7701, and the water right evidenced by same, be and the same is hereby CANCELLED

It is FURTHER ORDERED that a new certificate be issued for use of water from Rock Creek under a priority of 1887 for irrigation of 40 acres in the SW¼ SW¼ and 40 acres in the SE¼ SW¼ Section 26, Township 7 South, Range 26 East, being within Tax Lots 7700 and 7701, evidencing the portion of Certificate 4198 which was not in question and not cancelled in this proceeding.

Issued this 28th day of May, 1996.



WEISHA MIZE, ALJ

NOTICE: You are entitled to judicial review of this Order. Judicial review may be initiated by filing a petition for review with the Oregon Court of Appeals in Salem within 60 days from the date of service (date of mailing) of this Order. Judicial review is pursuant to the provisions of ORS 536.075.

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Lands in Township 7 South, Range 38 East

| <u>Certificate #</u> | <u>Location</u> | <u>Section</u> |
|----------------------|-----------------|----------------|
| 4337 | S½ SE¼ | 13 |
| 4314 | SE¼ NE¼ | 23 |
| | N½ SE¼ | |
| | SW¼ SE¼ | |
| 4316 | S½ SW¼ | |
| | SE¼ SE¼ | |
| 4150 | S½ SW¼ | 24 |
| 4314 | W½ NW¼ | |
| | NW¼ SW¼ | |
| 4337 | E½ NE¼ | |
| | NE¼ SW¼ | |
| | N½ SE¼ | |
| 4511 | SE¼ SE¼ | |
| 4527 | W½ NE¼ | |
| | E½ NW¼ | |
| | SW¼ SE¼ | |
| 3977 | S½ SE¼ | 25 |
| 4150 | W½ | |
| | NE¼ NW¼ | |
| 4336 | S½ NE¼ | |
| | N½ SE¼ | |
| 4500 | SE¼ NW¼ | |
| | SW¼ | |
| 4511 | NE¼ NE¼ | |
| 4527 | NW¼ NE¼ | |
| 4150 | S½ NW¼ | 26 |
| | N½ SW¼ | |
| 4316 | N½ NW¼ | |
| | N½ NW¼ | |
| 4315 | SE¼ | 27 |
| 4385 | S½ NE¼ | |
| | SE¼ NW¼ | |
| | S½ SW¼ | |
| | NE¼ SW¼ | |
| | N½ SE¼ | |

| | | |
|------|-----------------------------------|----|
| 3976 | N $\frac{1}{2}$ | 34 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | |
| 4110 | SE $\frac{1}{4}$ | |
| 4482 | S $\frac{1}{2}$ NW $\frac{1}{4}$ | |
| 4779 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | |
| 4076 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 35 |
| 4315 | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | |
| 4509 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | |
| | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | |
| | E $\frac{1}{2}$ SE $\frac{1}{4}$ | |
| 3973 | E $\frac{1}{2}$ SW $\frac{1}{4}$ | 36 |
| 3977 | NW $\frac{1}{4}$ | |
| | N $\frac{1}{2}$ NE $\frac{1}{4}$ | |
| | W $\frac{1}{2}$ SW $\frac{1}{4}$ | |

Lands in Township 7 South, Range 39 East

| <u>Certificate #</u> | <u>Location</u> | <u>Section</u> |
|----------------------|--|----------------|
| 4337 | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 17 |
| 4337 | S $\frac{1}{2}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ | 18 |
| 4337 | NW $\frac{1}{4}$ | 19 |
| 4357 | N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ | |
| 4511 | S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | |
| 4316 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 20 |
| 4357 | W $\frac{1}{2}$ NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ | |
| 4509 | SW $\frac{1}{4}$ | 27 |
| 4073 | NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ | |

| | | |
|------|---|----|
| 4073 | NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ | 28 |
| 4509 | SE ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ | |
| 3978 | S ¹ / ₂ NW ¹ / ₄ N ¹ / ₂ SW ¹ / ₂ | 30 |
| 4442 | SW ¹ / ₄ SW ¹ / ₄ | |
| 4511 | N ¹ / ₂ NW ¹ / ₄ | |
| 3973 | E ¹ / ₂ SW ¹ / ₄ | 31 |
| 4183 | W ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ N ¹ / ₂ NE ¹ / ₄ | |
| 4342 | S ¹ / ₂ NE ¹ / ₄ SE ¹ / ₄ NSW ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ N ¹ / ₂ SE ¹ / ₄ | |
| 4442 | N ¹ / ₂ SW ¹ / ₄ | |
| 4512 | N ¹ / ₂ SE ¹ / ₄ NE ¹ / ₄ SW ¹ / ₄ | |
| 4065 | SE ¹ / ₄ NE ¹ / ₄ | 33 |
| 4184 | NW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ NW ¹ / ₄ | |
| 4509 | NE ¹ / ₄ NE ¹ / ₄ | |
| 5952 | NW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ NW ¹ / ₄ | |
| 4065 | W ¹ / ₂ NW ¹ / ₄ W ¹ / ₂ SW ¹ / ₄ E ¹ / ₂ NW ¹ / ₄ E ¹ / ₂ SW ¹ / ₄ | 34 |

Lands in Township 8 South, Range 38 East

| <u>Certificate #</u> | <u>Location</u> | <u>Section</u> |
|----------------------|---|----------------|
| 4029 | NW ¹ / ₄ SW ¹ / ₄ | 1 |
| 4372 | SW ¹ / ₄ SE ¹ / ₄ | |
| 4390 | N ¹ / ₂ NE ¹ / ₄ | |
| 3998 | N ¹ / ₂ NE ¹ / ₄ | 2 |
| 4029 | SE ¹ / ₄ S ¹ / ₂ NE ¹ / ₄ | |
| 4183 | S ¹ / ₂ NW ¹ / ₄ N ¹ / ₂ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ | |
| 4429 | NW ¹ / ₄ | |
| 4429 | SE ¹ / ₄ NE ¹ / ₄ | 3 |
| 4372 | NE ¹ / ₄ E ¹ / ₂ NW ¹ / ₄ NW ¹ / ₄ NW ¹ / ₄ | 12 |

Lands in Township 8 South, Range 39 East

| <u>Certificate #</u> | <u>Location</u> | <u>Section</u> |
|----------------------|--|----------------|
| 4040 | SE ¹ / ₄ NW ¹ / ₄ N ¹ / ₂ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ W ¹ / ₂ SE ¹ / ₄ | 4 |
| 4040 | N ¹ / ₂ SE ¹ / ₄ | 5 |
| 4183 | SE ¹ / ₄ SW ¹ / ₄ S ¹ / ₂ SE ¹ / ₄ | |
| 4243 | SE ¹ / ₄ SW ¹ / ₄ | 6 |
| 4244 | SE ¹ / ₄ SW ¹ / ₄ S ¹ / ₂ SE ¹ / ₄ | |
| 4390 | N ¹ / ₂ NE ¹ / ₄ | |

4243
4245

SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
N $\frac{1}{2}$ NW $\frac{1}{4}$
W $\frac{1}{2}$ NE $\frac{1}{4}$

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