



**Authorized Point of Diversion:**

New Home Ditch

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
9	S	40	E	W.M.	9	SW SE	6.8

3. The Department received information that better describes the point of diversion and this information locates the diversion point at:

Township		Range		Meridian	Sec	¼ ¼	Name
9	S	40	E	W.M.	16	SW NW	1700 FEET SOUTH AND 400 FEET EAST FROM THE NW¼ CORNER OF SECTION 16

4. The portion of the second right to be transferred is as follows:

**Certificate:** 4015 in the name of W.S. Bowers (confirmed by the Powder River Decree)

**Use:** Irrigation

**Priority Date:** 1901 for Tract 2

**Rate/Duty:** 1/40 cfs per acre

**Acres:** 30.8

**Source:** Powder River, tributary to the Snake River

**Authorized Point of Diversion:**

Bowen & White Ditch (also known as Bowers & White Ditch)

**Authorized Place of Use:**

Tract 2

Township		Range		Meridian	Sec	¼ ¼	Acres
9	S	40	E	W.M.	8	NW SE	9.2
9	S	40	E	W.M.	8	SW SE	21.6

5. The Department received information that better describes the point of diversion and this information locates the point of diversion at:

Township		Range		Meridian	Sec	¼ ¼	Name
9	S	40	E	W.M.	17	NE NE	Bowen & White Ditch (also known as Bowers & White Ditch)- 80 FEET SOUTH AND 360 FEET WEST FROM THE NE ¼ CORNER OF SECTION 17

6. The portion of the third right to be transferred is as follows:

**Certificate:** 4046 in the name of Henry Burriss (confirmed by the Powder River Decree)  
**Use:** Irrigation  
**Priority Date:** 1904  
**Rate/Duty:** 1/40 cfs per acre  
**Acres:** 10.0  
**Source:** Powder River, tributary to the Snake River  
**Authorized Point of Diversion:**  
 New Home Ditch

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
9	S	40	E	W.M.	9	SW SE	10.0

7. The Department received information that better describes the point of diversion and this information locates the diversion point at:

Township		Range		Meridian	Sec	¼ ¼	Name
9	S	40	E	W.M.	16	SW NW	1700 FEET SOUTH AND 400 FEET EAST FROM THE NW¼ CORNER OF SECTION 16

8. The fourth right to be transferred is as follows:

**Certificate:** 37998 in the name of Lionel H. Schetky (perfected under Permit G-3159)  
**Use:** Irrigation  
**Priority Date:** December 8, 1966  
**Quantity:** 1.8 cfs  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 3 acre feet per acre during the irrigation season  
**Acres:** 205.2  
**Source:** A well in the Powder River Basin  
**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Location
8	S	40	E	W.M.	2	SW SW	980 FEET SOUTH AND 3020 FEET EAST FROM THE NW CORNER OF THE SW¼ SE¼ OF SECTION 3

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
8	S	40	E	W.M.	3	SW SE	25.6
8	S	40	E	W.M.	3	SE SE	19.6
8	S	40	E	W.M.	10	NE NE	40.0

Township		Range		Meridian	Sec	¼ ¼	Acres
8	S	40	E	W.M.	10	NW NE	40.0
8	S	40	E	W.M.	10	SW NE	40.0
8	S	40	E	W.M.	10	SE NE	40.0
Total Acres:							205.2

9. The portion of the fifth right to be transferred is as follows:

**Certificate:** 37999 in the name of Lionel H. Schetky (perfected under Permit G-3160)  
**Use:** Irrigation  
**Priority Date:** December 8, 1966  
**Quantity:** 1.88 cfs  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 3 acre feet per acre during the irrigation season  
**Acres:** 240.0  
**Source:** A well in the Powder River Basin  
**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Location
8	S	40	E	W.M.	11	SE NW	2670 FEET SOUTH AND 4830 FEET EAST FROM THE NW CORNER OF THE SWSE OF SECTION 3

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
8	S	40	E	W.M.	2	SW SW	19.6
8	S	40	E	W.M.	2	SE SW	20.4
8	S	40	E	W.M.	11	NE NW	40.0
8	S	40	E	W.M.	11	NW NW	40.0
8	S	40	E	W.M.	11	SW NW	40.0
8	S	40	E	W.M.	11	SE NW	40.0
8	S	40	E	W.M.	11	NE SW	40.0
Total Acres:							240.0

10. The portion of the sixth right to be transferred is as follows:

**Certificate:** 73405 in the name of Baker Valley Irrigation District (confirmed by the Powder River Decree)  
**Use:** Irrigation  
**Priority Dates:** 1889 and March 1905  
**Rate/Duty:** 1/40 cfs per acre, during the irrigation season  
**Acres:** 32.6  
**Source:** Powder River, tributary to the Snake River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Location
10	S	40	E	W.M.	19	NW	NE	SMITH #6: 945 FEET SOUTH AND 1865 FEET WEST FROM THE NE1/4 CORNER OF SECTION 19
9	S	40	E	W.M.	8	NE	SE	EPPINGER #16: 40 FEET SOUTH AND 2640 FEET EAST FROM THE CENTER OF SECTION 8

**Authorized Place of Use:**

**IRRIGATION**

Township		Range		Meridian	Sec	¼ ¼		Acres	Priority	Tract	POD #
9	S	40	E	W.M.	2	SW	NE	9.9	3/1905	91	6
9	S	40	E	W.M.	2	SE	NE	18.7	3/1905	91	6
9	S	40	E	W.M.	8	NW	NW	4.0	1889	22	16

11. The portion of the seventh right to be transferred is as follows:

**Certificate:** 73581 in the names of SSI Land and Cattle and Charles Colton (confirmed by the Powder River Decree)

**Use:** Irrigation

**Priority Date:** 1902

**Quantity:** 0.25 cfs

**Rate/Duty:** 1/40 cfs per acre during the irrigation season

**Acres:** 10.0

**Source:** Powder River, tributary to the Snake River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Location	Tract
8	S	39	E	W.M.	11	NE	NE	Lilley Pumps: 270 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER OF SECTION 11	# 1

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼		Acres
8	S	40	E	W.M.	10	NE	SE	10.0

12. The portion of the eighth right to be transferred is as follows:

**Certificate:** 73599 in the name of the United States of America (perfected under Permit S-32932)

**Use:** Irrigation

**Priority Date:** June 19, 1958

**Quantity:** 0.22 cfs

**Rate/Duty:** 1/40 cfs per acre, 3.5 acre feet per acre during the season from direct flow and stored water.

**Acres:** 43.7

**Source:** Powder River and storage from Phillips Lake Reservoir, constructed under Permit R-5083, tributary to the Snake River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Location
8	S	39	E	W.M.	11	NE	NE	Lilley Pumps: 270 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER OF SECTION 11

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼		Acres
8	S	40	E	W.M.	3	NE	SW	5.1
8	S	40	E	W.M.	3	SE	SW	38.6

13. The portion of the ninth right to be transferred is as follows:

**Certificate:** 73605 in the name of Baker Valley Irrigation District (perfected under Permit S-45593)

**Use:** Supplemental Irrigation

**Priority Date:** April 9, 1979

**Quantity:** 5.69 cfs

**Rate/Duty:** 1/40 cfs per acre, 3.5 acre feet per acre during the irrigation season from direct flow and stored water

**Acres:** 339.6

**Source:** Salmon Creek and 52.0 acre feet of stored water only from Baker Valley Irrigation District Equalizing Pond constructed under Permit R-8244, tributary to the Snake River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Location
8	S	39	E	W.M.	11	NE	NW	1693 FEET NORTH AND 2169 FEET EAST FROM THE W1/4 CORNER OF SECTION 11

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Township		Range		Meridian	Sec	¼ ¼		Acres
8	S	40	E	W.M.	2	SW	SW	21.2
8	S	40	E	W.M.	2	SE	SW	23.4
8	S	40	E	W.M.	3	NW	NW	20.0
8	S	40	E	W.M.	3	SW	NW	20.0
8	S	40	E	W.M.	3	NE	SW	5.2

SUPPLEMENTAL IRRIGATION							
Township		Range		Meridian	Sec	¼ ¼	Acres
8	S	40	E	W.M.	10	NE NE	40.0
8	S	40	E	W.M.	10	NW NE	40.0
8	S	40	E	W.M.	10	SW NE	22.5
8	S	40	E	W.M.	10	SE NE	22.5
8	S	40	E	W.M.	11	NE NW	40.0
8	S	40	E	W.M.	11	NW NW	40.0
8	S	40	E	W.M.	11	SW NW	22.4
8	S	40	E	W.M.	11	SE NW	22.4
Total Acres							339.6

14. The portion of the tenth right to be transferred is as follows:

**Certificate:** 73610 in the name of U.S. Bureau of Reclamation  
**Use:** Irrigation  
**Priority Date:** June 19, 1958  
**Quantity:** 1.67 cfs  
**Rate/Duty:** 1/40 cfs per acre, 3.5 acre feet per acre during the irrigation season from direct flow and stored water  
**Acres:** 389.6  
**Source:** Powder River and storage from Phillips Lake Reservoir constructed under Permit R-5083, tributary to the Snake River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Location
8	S	39	E	W.M.	11	NE NE	Lilley Pumps #56: 270 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION							
Township		Range		Meridian	Sec	¼ ¼	Acres
8	S	40	E	W.M.	2	SE SW	23.4
8	S	40	E	W.M.	2	SW SW	21.2
8	S	40	E	W.M.	3	NW NW	20.0
8	S	40	E	W.M.	3	SW NW	20.0
8	S	40	E	W.M.	3	SE SE	23.6
8	S	40	E	W.M.	3	SW SE	31.6
8	S	40	E	W.M.	10	NE NE	40.0
8	S	40	E	W.M.	10	NW NE	40.0

IRRIGATION							
Township		Range		Meridian	Sec	¼ ¼	Acres
8	S	40	E	W.M.	10	SE NE	22.5
8	S	40	E	W.M.	10	SW NE	22.5
8	S	40	E	W.M.	11	NE NW	40.0
8	S	40	E	W.M.	11	NW NW	40.0
8	S	40	E	W.M.	11	SE NW	22.4
8	S	40	E	W.M.	11	SW NW	22.4
						Total Acres:	389.6

15. The portion of the eleventh right to be transferred is as follows:

**Certificate:** 73999 in the name of Baker Valley Irrigation District  
**Use:** Irrigation and Supplemental Irrigation  
**Priority Date:** April 26, 1982  
**Quantity:** 1.91 cfs  
**Rate/Duty:** 1/40 cfs per acre, 3.5 acre feet per acre during the irrigation season from direct flow and stored water  
**Acres:** 161.9 acres irrigation and 93.1 acres supplemental irrigation  
**Source:** Powder River and Mason Reservoir constructed under Permit R-5083, tributary to the Snake River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Location
8	S	39	E	W.M.	11	NE NE	Lilley Pumps: 270 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION								
Township		Range		Meridian	Sec	¼ ¼	Acres	Name
8	S	40	E	W.M.	3	SE SW	1.4	SMITH, KIRK
8	S	40	E	W.M.	3	SW SW	40.0	SMITH, KIRK
8	S	40	E	W.M.	10	SE NE	5.3	SMITH, KIRK
8	S	40	E	W.M.	11	SE NW	17.6	SMITH, KIRK
8	S	40	E	W.M.	11	SW NW	17.6	SMITH, KIRK
8	S	40	E	W.M.	11	NE SW	40.0	SMITH, KIRK
8	S	40	E	W.M.	11	NW SW	40.0	SMITH, KIRK
						Total Acres:	0	SMITH, KIRK



SUPPLEMENTAL IRRIGATION								
Township		Range		Meridian	Sec	¼ ¼	Acres	Name
8	S	40	E	W.M.	10	NE SE	10.0	SMITH, KIRK
8	S	40	E	W.M.	28	NE SW	2.9	BLACK
8	S	40	E	W.M.	28	NW SE	3.9	BLACK
8	S	40	E	W.M.	28	SW SE	2.6	BLACK
9	S	40	E	W.M.	2	SE NW	11.9	RUDOLPH
9	S	40	E	W.M.	6	SW NW	9.0	WARD
9	S	40	E	W.M.	6	NE SW	7.2	WARD
9	S	40	E	W.M.	6	NW SW	27.6	WARD
9	S	40	E	W.M.	8	NW NW	4.0	CARNELL
9	S	40	E	W.M.	18	NW NE	10.0	SCHANN
9	S	40	E	W.M.	18	SE NE	4.0	SCHANN
Total Acres:							93.1	

16. Transfer Application T-8087 proposes to move the authorized point of diversion approximately 5 miles downstream for Certificate 4015 and 6 miles downstream for Certificates 4001, 4046 and 73405 to:

Township		Range		Meridian	Sec	¼ ¼	Location
8	S	39	E	W.M.	11	NE NE	Lilley Pumps: 270 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER OF SECTION 11

17. Transfer Application T-8087 further proposes to change the place of use of Certificates 4001, 4015, 4046, 37998, 37999, 73405, 73581, 73599, 73605, 73610 and 73999 to:

Twp	Rng	Sec	Certificate	Q-Q	Priority Date	Acres
<b>Certificate 4001 Irrigation</b>						
8S	40E	4	4001	SE SE	1904	6.8
<b>Certificate 4015 Irrigation</b>						
8S	40E	2	4015	SE SW	1901	7.6
8S	40E	3	4015	NW NW	1901	3.2
8S	40E	3	4015	SW NW	1901	20.0
<b>Certificate 4046 Irrigation</b>						
8S	40E	4	4046	SE SE	1904	10.0
<b>Certificate 37998 Supplemental Irrigation</b>						
8S	40E	3	37998	SW SE	12/8/1966	29.0
8S	40E	3	37998	SE SE	12/8/1966	29.0
8S	40E	10	37998	NE NE	12/8/1966	31.0

Twp	Rng	Sec	Certificate	Q-Q	Priority Date	Acres
8S	40E	10	37998	NW NE	12/8/1966	31.0
8S	40E	10	37998	SE NE	12/8/1966	29.6
8S	40E	10	37998	NE SE	12/8/1966	29.6
8S	40E	10	37998	NW SE	12/8/1966	26.0
<b>Certificate 37999 Supplemental Irrigation</b>						
8S	40E	2	37999	SW SW	12/8/1966	28.9
8S	40E	2	37999	SE SW	12/8/1966	29.1
8S	40E	11	37999	NE NW	12/8/1966	31.0
8S	40E	11	37999	NW NW	12/8/1966	31.0
8S	40E	11	37999	SW NW	12/8/1966	31.0
8S	40E	11	37999	SE NW	12/8/1966	31.0
8S	40E	11	37999	NE SW	12/8/1966	29.0
8S	40E	11	37999	NW SW	12/8/1966	29.0
<b>Certificate 73405 Irrigation</b>						
8S	40E	2	73405	SESW	1889	0.8
8S	40E	3	73405	NE SW	3/1905	3.9
8S	40E	3	73405	SWSW	3/1905	8.2
8S	40E	3	73405	SESW	3/1905	8.2
8S	40E	4	73405	SE SE	3/1905	8.3
8S	40E	4	73405	SE SE	1889	3.2
<b>Certificate 73581 Irrigation</b>						
8S	40E	3	73581	NW NW	1902	10.0
<b>Certificate 73599 Irrigation</b>						
8S	40E	3	73599	NW NW	6/19/1958	6.8
8S	40E	10	73599	SW NE	6/19/1958	29.6
8S	40E	10	73599	NW SE	6/19/1958	7.3
<b>Certificate 73605 Supplemental Irrigation</b>						
8S	40E	3	73605	NW NW	4/9/1979	6.8
8S	40E	3	73605	SW NW	4/9/1979	10.4
8S	40E	3	73605	SW SW	4/9/1979	27.5
8S	40E	3	73605	SE SW	4/9/1979	27.5
8S	40E	3	73605	SW SE	4/9/1979	29.0
8S	40E	3	73605	SE SE	4/9/1979	29.0
8S	40E	10	73605	NE NE	4/9/1979	31.0
8S	40E	10	73605	NW NE	4/9/1979	31.0
8S	40E	10	73605	SW NE	4/9/1979	29.6
8S	40E	10	73605	SE NE	4/9/1979	29.6
8S	40E	10	73605	NE NW	4/9/1979	27.5
8S	40E	10	73605	NW NW	4/9/1979	27.5
8S	40E	10	73605	NE SE	4/9/1979	29.6
8S	40E	10	73605	NW SE	4/9/1979	3.6
<b>Certificate 73610 Irrigation</b>						
8S	40E	2	73610	SW SW	6/19/1958	28.9
8S	40E	2	73610	SE SW	6/19/1958	29.1
8S	40E	3	73610	SW SE	6/19/1958	29.0
8S	40E	3	73610	SE SE	6/19/1958	29.0
8S	40E	10	73610	NE NE	6/19/1958	31.0

<b>Twp</b>	<b>Rng</b>	<b>Sec</b>	<b>Certificate</b>	<b>Q-Q</b>	<b>Priority Date</b>	<b>Acres</b>
8S	40E	10	73610	NW NE	6/19/1958	31.0
8S	40E	10	73610	SE NE	6/19/1958	29.6
8S	40E	11	73610	NE NW	6/19/1958	31.0
8S	40E	11	73610	NW NW	6/19/1958	31.0
8S	40E	11	73610	SW NW	6/19/1958	31.0
8S	40E	11	73610	SE NW	6/19/1958	31.0
8S	40E	11	73610	NE SW	6/19/1958	29.0
8S	40E	11	73610	NW SW	6/19/1958	29.0
<b>Certificate 73999 Irrigation</b>						
8S	40E	3	73999	SW SW	4/26/1982	27.5
8S	40E	3	73999	SE SW	4/26/1982	27.5
8S	40E	10	73999	NE NW	4/26/1982	27.5
8S	40E	10	73999	NW NW	4/26/1982	27.5
8S	40E	10	73999	NE SE	4/26/1982	29.6
8S	40E	10	73999	NW SE	4/26/1982	22.3
<b>Certificate 73999 Supplemental Irrigation</b>						
8S	40E	2	73999	SE SW	4/26/1982	0.8
8S	40E	2	73999	SE SW	4/26/1982	7.6
8S	40E	3	73999	NW NW	4/26/1982	20.0
8S	40E	3	73999	SW NW	4/26/1982	20.0
8S	40E	3	73999	SW SW	4/26/1982	8.2
8S	40E	3	73999	SE SW	4/26/1982	8.2
8S	40E	4	73999	SE SE	4/26/1982	28.3

18. A statement was received by the Department indicating a request by the applicant to diminish the use of primary irrigation to supplemental irrigation under certificate 37998 and 37999.
19. On May 19, 2005, the Department issued a Preliminary Determination proposing to approve Transfer Application T-8087 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 24, 2005, and in the Baker City Herald newspaper on June 14, 21 and 28, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Departments' weekly notice or to the newspaper notice.
20. Upon further review an error in the calculation of rate was discovered on Certificates 73599, 73610 and 73999 necessitating a revised Preliminary Determination be generated, mailed to the applicant and published on the Department's weekly notice. Re-publication on the Department's weekly notice occurred on August 22, 2006. The revised Preliminary Determination cited a rate that was substantially less than the amount that was cited in the initial Preliminary Determination.
21. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

22. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
23. The proposed change would not result in enlargement of the rights.
24. The proposed change would not result in injury to other water rights.

### **Conclusions of Law**

The proposed changes in point of diversion and place of use in Transfer Application T-8087 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

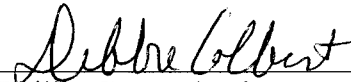
### **Now, therefore, it is ORDERED:**

1. The changes in point of diversion and place of use proposed in application T-8087 are approved.
2. Water right certificates 4001, 4015, 4046, 37998, 37999 and 73581 are cancelled. New certificates will be issued describing that portion of the rights not involved in this transfer.
3. Certificates 73999, 73605, 73405 (in the name of Baker Valley Irrigation District) and Certificates 73599 and 73610 (in the name of the United States of America and the U.S. Bureau of Reclamation, respectively) are modified. The Department will issue a superseding certificate on a determination that it is necessary to produce a certificate describing the right.
4. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 4001, 4015, 4046, 37998, 37999, 73405, 73581, 73599, 73605, 73610 and 73999 and any related decree.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2007. A claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
7. Water shall be acquired from the same surface water source as the original point of diversion.
8. The former place of use shall no longer be irrigated as a part of these water rights.
9. 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.

10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 27<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
Phillip C. Ward, Director

OCT 09 2006  
Mailing date: \_\_\_\_\_