

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A CHANGE IN POINT OF DIVERSION,
CANCELLATION OF A WATER RIGHT
AND PARTIAL CANCELLATION 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 8295 submitted by

WARD RANCH
1500 H STREET
BAKER CITY, OREGON 97814.

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 4222. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1877.

The right allows the use of the POWDER RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 59.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually

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.

beneficially used, if available at the authorized point of diversion: BOWEN AND WHITE DITCH, 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.

The authorized place of use is located as follows:

NE¼ SE¼ 32.0 ACRES
SE¼ SE¼ 27.6 ACRES
SECTION 8
TOWNSHIP 9 SOUTH, RANGE 40 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 point of diversion to:

NE¼ SE¼, SECTION 8, T 9 S, R 40 E, W.M.; 40 FEET SOUTH AND 2640 FEET EAST FROM THE CENTER CORNER OF SECTION 16.

An affidavit was received from Kathy, Mark, Craig, Alvin and Charlotte Ward, 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 right is described by Certificate 29057, State Record of Water Right Certificates. The date of priority is June 12, 1958. The water use was for supplemental irrigation of 62.0 acres from A Well, tributary of the Powder River Basin. The amount used was 0.78 cubic foot per second.

The abandoned portion of this water right is as follows:

NE¼ SE¼ 34.0 ACRES

SE¼ SE¼ 28.0 ACRES

SECTION 8

TOWNSHIP 9 SOUTH, RANGE 40 EAST, W.M.

An additional affidavit was received from the city of Baker City, owners of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and is requested to be canceled.

The abandoned right is described by Certificate 4222, State Record of Water Right Certificates. The date of priority is 1877. The water use was for irrigation of 2.6 acres from the POWDER RIVER, tributary of the SNAKE RIVER. The amount used was 0.065 cubic foot per second.

The abandoned portion of this water right is as follows:

NE¼ SE¼ 1.4 ACRES

SE¼ SE¼ 1.2 ACRES

SECTION 8

TOWNSHIP 9 SOUTH, RANGE 40 EAST, W.M.

ORS 540.610 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."

THIS CHANGE 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, 2003.

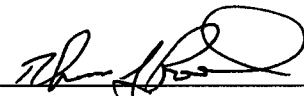
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, 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.
4. Water shall be acquired from the same surface water source as the original point of diversion.

The abandoned water right evidenced by Certificate 29057 requested to be canceled is canceled. The abandoned portion of the water right evidenced by Certificate 4222 requested to be canceled is canceled.

Certificate 4222 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 MAY 28 2002 .



For Paul R. Cleary, Director