

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING CHANGES IN TYPE OF USE, PLACE OF USE
AND A PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 537.705 and 540.505 to 540.580, 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 6990 submitted by

OREGON DEPARTMENT OF FISH AND WILDLIFE
2501 SW 1ST AVENUE
PORTLAND, OREGON 97201.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Union County as evidenced by a PORTION of Certificate 80229. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The dates of priority are 1868 from Ladd Creek and 1870 from Catherine Creek.

The right allows the use of Ladd Creek, a tributary of Catherine Creek, for irrigation of 123.1 acres and Catherine Creek, a tributary of the Grande Ronde River for irrigation of 144.1 acres. The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year, if available at the authorized points of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T 3 S, R 38 E, W.M.; Ladd Creek (Pierce Sawyer Ditch) - 450 Feet North and 110 Feet West from the SE Corner Section 36; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T 4 S, R 39 E, W.M.; Catherine Creek (Old Channel Ditch) - 2904 Feet North and 330 Feet East from the SW Corner Section 3, or its equivalent in case of rotation, measured at the points of diversion from the source.

The authorized place of use is located as follows:

This is a final order in other than 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.

1868

(LADD CREEK)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.2 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.7 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.4 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.8 ACRES

1870

(CATHERINE CREEK)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34.0 ACRES

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.9 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 36.2 ACRES

SECTION 32

TOWNSHIP 3 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 type of use from IRRIGATION OF 267.2 ACRES to WILDLIFE MANAGEMENT.

The applicant further proposes to change the place of use to:

1868

(LADD CREEK)

SW $\frac{1}{4}$

SECTION 32

1870

(CATHERINE CREEK)

SE $\frac{1}{4}$

SECTION 32

TOWNSHIP 3 SOUTH, RANGE 39 EAST, W.M.

An affidavit was received from Oregon Department of Fish and Wildlife, representing the State of Oregon, owner 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 water right is a PORTION of the right described by a decree of the Circuit Court of the State of Oregon for Union County as evidenced by Certificate 80229, State Record of Water Right Certificates. The dates of priority are 1868 from Ladd Creek and 1870 from Catherine Creek. The water use was for

irrigation of 16.9 acres from Ladd Creek and 15.9 acres from Catherine Creek.

The abandoned portion is located as follows:

1868

(LADD CREEK)

NE¼ SW¼ 3.8 ACRES
NW¼ SW¼ 11.3 ACRES
SW¼ SW¼ 0.6 ACRES
SE¼ SW¼ 1.2 ACRES

1870

(CATHERINE CREEK)

NE¼ SE¼ 6.0 ACRES
NW¼ SE¼ 6.1 ACRES
SE¼ SE¼ 3.8 ACRES

SECTION 32

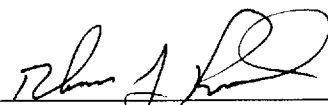
TOWNSHIP 3 SOUTH, RANGE 39 EAST, W.M.

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."

1. The proposed change shall be completed on or before October 1, 2007.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. Prior to diverting water, 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. The use of water for Wildlife Management shall be limited to a diversion of not to exceed 369.3 acre-feet from Ladd Creek and 432.3 acre-feet from Catherine Creek in any irrigation season of the year. The use is further limited to a diversion of not to exceed 3.08 cubic feet per second (CFS) from Ladd Creek and 3.60 CFS from Catherine Creek during the irrigation season of each year.

Certificate 80229 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 changes are received, a new certificate confirming this water right will be issued.

Dated at Salem, Oregon this 29th day of December, 2004.



For Phillip C. Ward
Director

Mailing date: JAN 07 2005