

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF THE PROPOSED PARTIAL)	<i>Revised</i>
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)	
<u>BAKER COUNTY, OREGON</u>)	

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 43541, 4075 and 19781 on those lands not in question and not cancelled in this proceeding, as follows:

S½ SW¼
S½ SE¼
Section 20

35.96 ac. SW¼ SW¼ remaining
(4.04 ac in TL 600 in the N½N½SW¼SW¼ forfeited)
Section 21

NE¼
NW¼
SE¼
30.09 ac SW¼ SW¼ remaining
(9.01 ac in TL 300 in the SW¼ SW¼ SW ¼ forfeited)
Section 29

W½ W½ (excepting the portion E. of the west Oregon Hwy. 30 Right of way line)
Section 28

NW¼ NW¼ (excepting that portion east of the west
Union Pacific RR Right of Way line and south of the
north Baker county Road 734 Right of Way line)
Section 33

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 18th day of September, 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.

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
4316	N½ SE¼ SW¼ SE¼ S½ SW¼ SE¼ SE¼	
4150	S½ SW¼	24
4314	W½ NW¼	
4337	NW¼ SW¼ E½ NE¼ NE¼ SW¼ N½ SE¼	
4511	SE¼ SE¼	
4527	W½ NE¼ E½ NW¼ SW¼ SE¼	
3977	S½ SE¼	25
4150	W½ NW¼	
4336	NE¼ NW¼ S½ NE¼ N½ SE¼	
4500	SE¼ NW¼ SW¼	
4511	NE¼ NE¼	
4527	NW¼ NE¼	
4150	S½ NW¼	26
4316	N½ SW¼ N½ NE¼ N½ NW¼	
4315	SE¼	27
4385	S½ NE¼ SE¼ NW¼ S½ SW¼ NE¼ SW¼ N½ SE¼	

3976	N $\frac{1}{2}$ NE $\frac{1}{4}$	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 $\frac{1}{4}$	18
	S $\frac{1}{2}$ SE $\frac{1}{4}$	
4337	NW $\frac{1}{4}$	19
	N $\frac{1}{2}$ SW $\frac{1}{4}$	
4357	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
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	
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 $\frac{1}{4}$ NE $\frac{1}{4}$	28
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	

4073	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	28
4509	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
3978	S $\frac{1}{2}$ NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{2}$	30
4442	SW $\frac{1}{4}$ SW $\frac{1}{4}$	
4511	N $\frac{1}{2}$ NW $\frac{1}{4}$	
5052	W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	
3973	W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	31
5052	N $\frac{1}{2}$ NE $\frac{1}{4}$	
4342	S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$	
4442	N $\frac{1}{2}$ NW $\frac{1}{4}$	
4512	N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	
4065	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE	33
4184	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	
4509	NE $\frac{1}{4}$ NE $\frac{1}{4}$	
5052	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	
4065	W $\frac{1}{2}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$	34

Lands in Township 8 South, Range 38 East

<u>Certificate #</u>	<u>Location</u>	<u>Section</u>
4029	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1
4372	SW $\frac{1}{4}$ SE $\frac{1}{4}$	
4390	N $\frac{1}{2}$ NE $\frac{1}{4}$	

3998	N $\frac{1}{2}$ NE $\frac{1}{4}$	2
4029	SE $\frac{1}{4}$	
	S $\frac{1}{2}$ NE $\frac{1}{4}$	
5052	S $\frac{1}{2}$ NW $\frac{1}{4}$	
	N $\frac{1}{2}$ SW $\frac{1}{4}$	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	
4429	NW $\frac{1}{4}$	
4429	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3
4372	NE $\frac{1}{4}$	12
	E $\frac{1}{2}$ NW $\frac{1}{4}$	
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	

Lands in Township 8 South, Range 39 East

<u>Certificate #</u>	<u>Location</u>	<u>Section</u>
4040	SE $\frac{1}{4}$ NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$	4
4040 4183	N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ SE $\frac{1}{4}$	5
4243	SE $\frac{1}{4}$ SW $\frac{1}{4}$	6
4244	SE $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ SE $\frac{1}{4}$	
4390	N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	
4243 4245	N $\frac{1}{2}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$	7