

STATE OF OREGON

COUNTY OF KLAMATH

**ORDER APPROVING CHANGES IN PLACE OF USE
AND CANCELING A PORTION 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 7955 submitted by

ROGER NICHOLSON
PO BOX 458
FORT KLAMATH, OREGON 97626

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for KLAMATH County as evidenced by a PORTION of Certificate 1090. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 1. The date of priority is 1891.

The right allows the use of ANNA CREEK, a tributary of WOOD RIVER, for IRRIGATION OF 158.6 ACRES, DOMESTIC AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.98 cubic foot per second FROM APRIL 1ST TO JULY 20TH OF EACH YEAR AND 0.99 CUBIC FOOT PER SECOND THEREAFTER UNTIL THE CLOSE OF IRRIGATION SEASON, if available at the authorized point of diversion: ANNIE CREEK DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The right to use water for domestic and stock purposes shall continue throughout the year.

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 second right to be modified, as evidenced by Certificate 64962, was perfected under Permit 50171 with a date of priority of NOVEMBER 3, 1987. The right allows the use of WOOD RIVER, a tributary of AGENCY LAKE, for SUPPLEMENTAL IRRIGATION OF 158.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.17 cubic feet per second, if available at the authorized point of diversion: LOT 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 10, T 33 S, R 7 $\frac{1}{2}$ E, W.M.; S 20° 33' 30" W, 2729.6 FEET FROM THE N $\frac{1}{4}$ CORNER, SECTION 10, 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 an other right existing for the same lands, is limited to ONE- FIFTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet for each acre irrigated during the irrigation season of each year. The right is limited to making up any deficiency in the available supply from Anna Creek allowed under existing rights for the same land and to bring the quantity of water to the full duty allowed from Wood River.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.6 ACRES
SECTION 20

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 29

TOWNSHIP 33 SOUTH, RANGE 7 $\frac{1}{2}$ EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES

SECTION 20

TOWNSHIP 33 SOUTH, RANGE 7 $\frac{1}{2}$ EAST, W.M.

The third right to be modified, as evidenced by Certificate 21861, was perfected under Permit 6981 with a date of priority of OCTOBER 29, 1924. The right allows the use of WOOD RIVER, a tributary of UPPER KLAMATH LAKE, for IRRIGATION of 158.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.98 cubic feet per second, if available at the authorized point of diversion: LOT 11 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 10, T 33 S, R 7 $\frac{1}{2}$ E, WM, 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 an other right existing for the same lands, is limited to ONE- EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet for each acre irrigated during the irrigation season of each year

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES

SECTION 20

TOWNSHIP 33 SOUTH, RANGE 7 $\frac{1}{2}$ EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.6 ACRES
SECTION 20

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 29

TOWNSHIP 33 SOUTH, RANGE 7 $\frac{1}{2}$ EAST, W.M.

An affidavit was received from Roger Nicholson, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 1110, State Record of Water Right Certificates. The abandoned water right is for use of water from Anna Creek, a tributary of the Wood River. The date of priority is 1891. The abandoned water right is for irrigation of 160.0 acres, domestic, and stock use.

A description of the place of use of the abandoned water right is as follows:

NE $\frac{1}{4}$ 160.0 ACRES
SECTION 20
TOWNSHIP 33 SOUTH, RANGE 7 $\frac{1}{2}$ EAST, W.M.

No quantity of water is being canceled. The total quantity of water described by Certificate 1110 was used on the remaining lands within the terms of the water right.

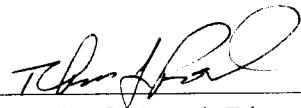
ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2000.
2. The former places of use shall no longer be irrigated as a part of these water rights.

The portion of the right requested to be canceled is canceled. Certificates 1090, 1110, 21861, and 64962 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer and cancellation. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed MAY 06 1999


for Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.