

STATE OF OREGON

COUNTY OF BAKER

ORDER APPROVING A CHANGE IN PLACE OF USE  
AND POINT OF DIVERSION

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 6995 submitted by

DON R. STEPHENS  
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The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County as evidenced by Certificate 4140. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1893 FOR 65 ACRES AND 1891 FOR 40 ACRES.

The right allows the use of ROCK CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 105 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1/40th OF ONE CUBIC FOOT PER SECOND PER ACRE, if available at the authorized point of diversion: OWENS and ANDERSON ASHWOOD DITCHES, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second 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 4390. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1882.

The right allow the use of ROCK CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 80 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1/40th OF ONE CUBIC FOOT PER SECOND PER ACRE, if available at the authorized point of diversion: OWEN 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 during the irrigation season of each year.

The authorized place of use is located as follows:

CERTIFICATE 4140  
1891 1893

NE $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES  
 NW $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES  
 SE $\frac{1}{4}$  SE $\frac{1}{4}$  25.0 ACRES

SECTION 36  
 TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

CERTIFICATE 4390  
1882

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

SECTION 6  
 TOWNSHIP 8 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 points of diversion to:

SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 36, T 7 S, R 38 E, WM; ANDERSON MORRIS DITCH - 800 FEET NORTH AND 940 FEET EAST FROM THE W $\frac{1}{4}$  CORNER, SECTION 36;

SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 31, T 7 S, R 39 E, WM; OWENS DITCH - 200 FEET NORTH AND 900 FEET EAST FROM THE W $\frac{1}{4}$  CORNER, SECTION 31.

The applicant proposes to change the place of use to:

CERTIFICATE 4140  
1891 1893  
ANDERSON MORRIS DITCH

SE $\frac{1}{4}$  SE $\frac{1}{4}$  25.0 ACRES  
 SECTION 36  
 TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

1891                      1893  
OWENS DITCH  
 SE¼ NE¼          15.0 ACRES              25.0 ACRES  
 NE¼ SE¼                              40.0 ACRES  
 SECTION 6  
 TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

CERTIFICATE 4390  
1882  
ANDERSON MORRIS DITCH  
 NE¼ SE¼          40.0 ACRES  
 NW¼ SE¼          40.0 ACRES  
 SECTION 36  
 TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

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, 1998.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
5. Water shall be acquired from the same surface water source as the original points of diversion.
6. The former places of use shall no longer be irrigated as a part of these water rights.

Certificates 4140 and 4390 are cancelled. 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 OCT 14 1996.

  
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 Martha O. Pagel, Director