

STATUS OF APPLICATION

Change in point of diversion
 Date filed 2-28-77
 Date of hearing _____
 Place of hearing _____
 Date of order 4-20-77 Vol. 28, page 479
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued ~~NOV 28 1977~~ Vol. 37, page 44924

JUN 14 1979 41
 8-18-88

Survived 7-13-82 (Pierce)

48109 RR

57559 CF

Part CN Vol 51 p. 10
 RR 73612

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Pine Creek
 Trib. of _____ County of Baker
 Use irrigation
 Quantity of water _____ No. of acres 80^e
 Name of ditch Strother San
 Date of priority _____
 In name of _____
 Powder River Adjudication, Vol. 6, page 368
 App. No. _____ Per. No. _____ Cert. No. 4045
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-28-77</u>	<u>45.00</u>	<u>58602</u>
TOTAL . . .		
	<u>#2 Cert. Fee</u>	

FEES REFUNDED

Date	Amount	Check No.
<u>4-27-77</u>	<u>* 8.00</u>	<u>1271</u>
Fees	Exam 20-	
	POD 15-	
	Cert 2-	
	<u>37.00</u>	

Note C#48109 superseded C#44924 to correct error
Partial Cancellation of Certificate 73612 issued 11/19/2021, S.O.V. 122, page 92
Certificate 96077 issued 11/19/2021

W.R.I.S.	
Assembled <u>7-9-85</u> by <u>SA4</u>	
Entered _____ by _____	
Verified _____ by _____	

INDEX CARDS:		Entered	Checked
<u>WH</u>	Name	<u>✓</u>	
<u>WH</u>	Stream	<u>✓</u>	
<u>WH</u>	Pt. of Div.	<u>✓</u>	
<u>WH</u>	Calendar	<u>✓</u>	
CHECKED TO RECORDS:			
<u>0</u>	Twp. & Rge.	<u>✓</u>	
<u>✓</u>	Decree-vault	<u>✓</u>	
<u>✓</u>	Decree-safe	<u>lg</u>	
<u>✓</u>	Cert. of W/R	<u>✓</u>	
	Per. Folder		
	Chaindex		
	Cross Ref.		
	Power Claim		
<u>✓</u>	Abstracts	<u>✓</u>	

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF A PARTIAL CANCELLATION OF)
WATER RIGHT CERTIFICATE 73612, IN THE NAME OF) FINAL ORDER
MARCUS C. SACKOS, BAKER COUNTY)

Authority

Oregon Revised Statute 540.621 and Oregon Administrative Rules 690-17-0100 direct the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

Findings of Fact

1. On November 5, 2021, the Department received an AFFIDAVIT FOR THE VOLUNTARY PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE (Affidavit) signed by Cassi LeTourneau on behalf of Salmon Creek Builders, Inc, 44949 Pine View Road, Baker City, Oregon 97814, stating Salmon Creek Builders, Inc, is the owner of a portion of the lands appurtenant to the water right evidenced by Certificate 73612.
2. Pursuant to OAR 690-017-0100(2)(a), Salmon Creek Builders, Inc, is the recorded owner, as established by county deed records, of the portion of the land and water right referenced in the Affidavit.
3. Certificate 73612 allows for the use of up to 3.0 cubic foot per second (cfs) of water from Pine Creek, a tributary of the Powder River, for irrigation 120 acres. The dates of priority are 1989 for Tract No. 1 and 1908 for Tract No. 2.
4. The affidavit requests cancellation of 1.49 cfs of water and 59.54 acres of irrigation in Tax Lot 1900 at the locations identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
8 S	39 E	WM	20	SW SE	5.00	No. 1
8 S	39 E	WM	20	SW SE	35.00	No. 2
8 S	39 E	WM	20	SE SE	19.54	No. 2
Total					59.54	

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

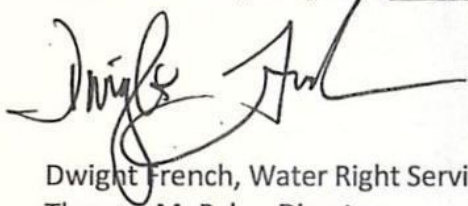
Conclusions of Law

The Director of the Water Resources Department concludes a portion of the right evidenced by Certificate 73612, 1.49 cfs of water and 59.54 acres of irrigation in Tax Lot 1900, has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Certificate 73612 is cancelled.
2. The Department shall issue superseding Certificate XXXXX describing the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated in Salem, Oregon on NOV 19 2021



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: NOV 19 2021

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARCUS C. SACKOS
1405 CAMPBELL ST
BAKER CITY, OR 97814

confirms the right to use the waters of PINE CREEK, a tributary of the POWDER RIVER for IRRIGATION of 60.46 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 6, at Page 291. The date of priority is 1908.

The use is limited to 1.51 CUBIC FEET PER SECOND or it's equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION IN TRACT NO. 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	20	NW SE	40.00
8 S	39 E	WM	20	SE SE	20.46
Total					60.46

This certificate describes the portion of Certificate 73612 NOT modified by an order of the Water Resources Director recorded in Special Order Volume 122, Pages 92 & 93 approving a partial cancellation. This certificate supersedes Certificate 73612.

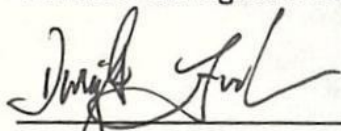
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

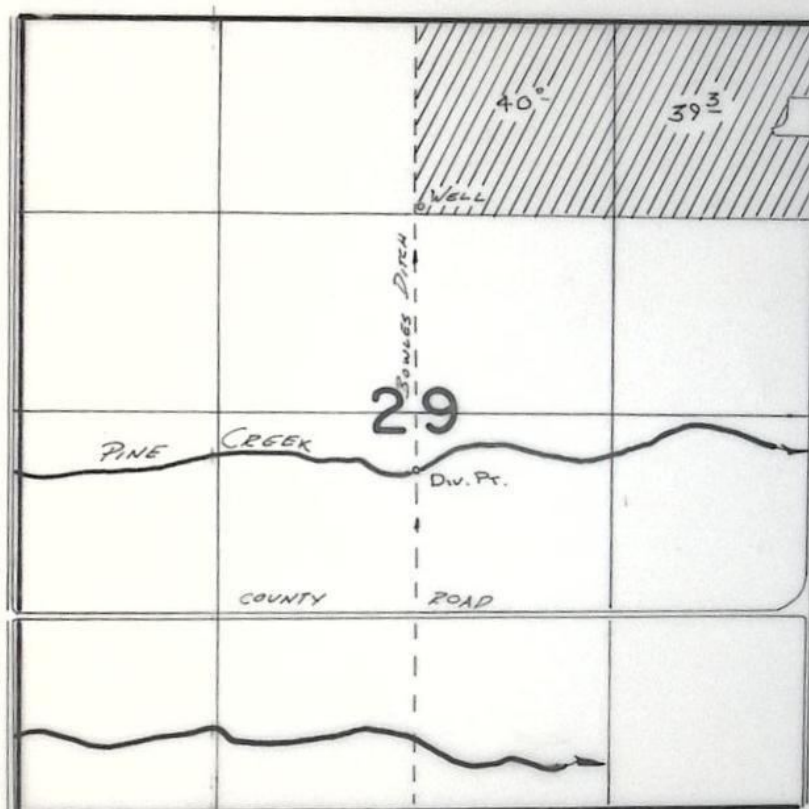
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed NOV 19 2021.

A handwritten signature in dark ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

T.8S., R.39E., W.M.



Div. Pt. Loc: 2280'N & 2640'E. FROM SW COR SEC 29
WELL LOC: 1380'N. & 40'E. FROM CENTER COR. SEC 29

FINAL PROOF SURVEY
UNDER

TRANSFER 3554

Application No. **G:7856** Permit No. **G:7283**...
IN NAME OF

WILLIAM I. PIERCE

Surveyed July 13 1982.. by V.L. Church

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARCUS SACKOS
1405 CAMPBELL STREET
BAKER CITY, OR 97814

confirms the right to use the waters of PINE CREEK, a tributary of POWDER RIVER, for IRRIGATION OF 120.00 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Baker County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The date of priority is 1898 for Tract 1 and 1908 for Tract 2.

The use is limited to 3.0 CUBIC FEET PER SECOND or it's equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

Tract No. 1
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 ACRES
Section 20
Township 8 South, Range 39 East, W.M.

Tract No. 2
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
Section 20
Township 8 South, Range 39 East, W.M.

This certificate describes that portion of the water right confirmed by certificate 48109, State Record of Water Right Certificated, NOT modified by the provisions of an order of the Water Resources director entered on JAN 16, 1997.

The issuance of this superseding certificate does not confirm the status of the water right is reference to ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JAN 16, 1997

G. Huntington (for)
Martha O. Pagel

Recorded in State Records of Water Right Certificates numbered 73612.

48109.vc

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT) ORDER
IN THE NAME OF GEO AND)
EBENEZER BURR)

An affidavit was received from Marcus, Barbara, Gregory A. and M. Jane Sackos, the 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 water right is a portion of the right described by Certificate 48109, State Record of Water Right Certificates. The abandoned water right is for the use of 1.0 cubic foot per second from Pine Creek, a tributary of Powder River. The date of priority is 1908. The abandoned water right is for irrigation of 40.0 acres.

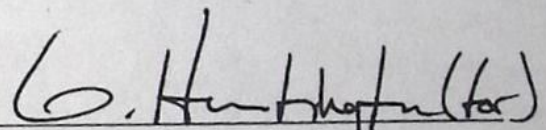
A description of the place of use of the abandoned right is as follows:

40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 8 South, Range 39 East, W.M.

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."

NOW, THEREFORE, it is ORDERED that the portion of the water right described herein is canceled. It is FURTHER ORDERED that Certificate 48109 is canceled and a new certificate be issued for that portion of the water right NOT involved in this proceeding.

WITNESS the signature of the Water Resources Director, affixed JAN. 16, 1997.


Martha O. Pagel, Director

Recorded in Special Order Volume 51, Page 10.

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GEO AND EBENEZER BURR

of Baker, State of Oregon, 97814, has
a right to the use of the waters of Pine Creek

a tributary of Powder River for the purpose of
irrigation of 160 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1898 for Tract 1 and 1908 for Tract 2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic foot per second per acre; and shall be subject to all other conditions and limitations contained in said decree.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

Tract No. 1
5.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
T. 8 S., R. 39 E., W. M.

Tract No. 2
40.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
35.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
T. 8 S., R. 39 E., W. M.

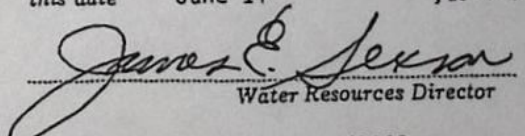
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4045, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of a Decree of the Circuit Court in and for Baker County entered February 25, 1963, in regard to Pine Creek Reservoir, and NOT modified by the provisions of an order of the Water Resources Director entered on April 20, 1977, approving transfer application No. 3554.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date June 14, 1979.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48109

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM I. PIERCE FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM PINE CREEK)

ORDER APPROVING
TRANSFER NO. 3554

On February 28, 1977, an application was filed in the office of the Water Resources Director by William I. Pierce for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 4045, Volume 5, State Record of Water Right Certificates, in the name of Geo. and Ebenezer Burr, describes a right which includes the use of water from Pine Creek for irrigation of 30.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 35.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 8 South, Range 39 East, W.M., with a date of priority of 1898; and 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29, with a date of priority of 1908.

Water for the said right is diverted through the Strother Ison ditch from a point located 2380 feet North and 1810 feet East from the Southwest corner of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 2245 feet North and 2635 feet East from the Southwest corner of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29 (Bowles Ditch).

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from Pine Creek as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

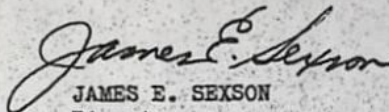
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Geo. and Ebenezer Burr and recorded at Page 4045, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be

issued to the applicant herein.

Dated at Salem, Oregon, this 20th day of April, 1977.


JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF BAKER

see Circuit court find.
E 4190 Feb 25, 63 for Baker
regarding storage of 720 ac
being denied this land.
Not yet confirmed by deed
see Tr 3554 records

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GEORGE AND EBENEZER BURR

of Baker, State of Oregon, 97814, has
a right to the use of the waters of Pine Creek

a tributary of Powder River for the purpose of
the irrigation of 160 acres and the storage of 720 acre feet

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the
right thereby confirmed dates from 1898 for 5 acres and 1908 for 155 acres and storage

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic
foot per second per acre; and shall be subject to all other conditions and
limitations contained in said decree

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

160 acres SE $\frac{1}{4}$
Section 20
T. 8 S., R. 39 E., W. M.

This certificate describes that portion of the water right confirmed by prior
certificate 4045, NOT modified by the provisions of an order entered on April
20, 1977, approving transfer application No. 3554.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date November 28, 19 77.

James E. Sexson

Water Resources Director

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GEO AND EBENEZER BURR

of Baker, State of Oregon, 97814, has
a right to the use of the waters of Pine Creek

a tributary of Powder River for the purpose of
irrigation of 160 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1898 for Tract 1 and 1908 for Tract 2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic foot per second per acre; and shall be subject to all other conditions and limitations contained in said decree.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

Tract No. 1
5.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
T. 8 S., R. 39 E., W. M.

Tract No. 2
40.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
35.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
T. 8 S., R. 39 E., W. M.

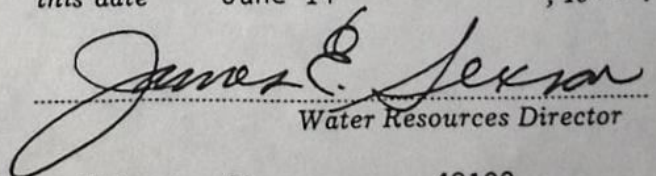
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4045, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of a Decree of the Circuit Court in and for Baker County entered February 25, 1963, in regard to Pine Creek Reservoir, and NOT modified by the provisions of an order of the Water Resources Director entered on April 20, 1977, approving transfer application No. 3554.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date June 14, 1979.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48109

RECEIVED

SEP 14 1978

WATER RESOURCES DEPT.
SALEM, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR BAKER COUNTY

A. W. CROGER and ETHEL CROGER,
husband and wife,
Plaintiffs,
vs.
AL MOSER and GLADYS MOSER,
husband and wife,
Defendants.

No. E 4190
DECREE

This matter coming regularly for the making and entry of decree herein, and the court having heretofore made and entered its Findings of Fact and Conclusions of law, which findings are now on file herein, and from which it appears that the plaintiffs should prevail, and more than ten days having expired since the filing of such findings, and more than ten days have expired after service of a certified copy of such findings upon the attorneys for the defendants, certificate of service being on file herein, and there having been no objections made or filed herein to such proposed findings or any part thereof, nor any request for other, different or additional findings, and the court having therefore this date signed the same, which findings of fact and conclusions of law provide that decree shall be made and entered herein in favor of the plaintiff, and the court being fully advised in the premises,

NOW, THEREFORE, it is CONSIDERED, ORDERED, ADJUDGED and DECREED, as follows:

(1) The plaintiffs are the owners and holders of the sole rights to the storage of waters of Pine Creek in the Pine Creek Reservoir situate in Section 32, Twp. 8 S., R. 32, E., W.M. in Baker County, Oregon, together with the reservoir rights thereof, and all water rights appurtenant thereto, and are solely

entitled to use the waters stored and to be stored therein in the irrigation of the plaintiff's premises described as follows:

E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, all in Township 8 S., R. 38, E., W.M., and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 7, and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 18, all in Township 8 South, Range 39, E., W.M., in Baker County, Oregon.

(3) That the defendants have no right, title or interest in or to said Pine Creek Reservoir, nor the right to store water therein nor the right to irrigate or otherwise use the waters stored or to be stored therein, and the defendants should be and they hereby are permanently enjoined and restrained from taking or attempting to take or using or attempting to use any of the waters of and from said Pine Creek Reservoir, and they are further enjoined and restrained from interfering with or preventing in any manner the use of said waters by the plaintiffs in the irrigation of their said lands.

(3) The plaintiffs should be and hereby are awarded judgment against the defendants and each of them for plaintiffs' costs and disbursements herein incurred, taxed and allowed in the sum of \$

Dated and entered this 25th day of February, 1963.

240 ac in storage
($\pm$ 720 ac ft. in Pine Creek

S/Lyle R. Wolff
CIRCUIT JUDGE

Moser Owned:

Cent 4045
160 SE $\frac{1}{4}$ Sec 20
80 N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 29

SE $\frac{1}{4}$, Sec 20, T-8S., R-39 E.W.M.
N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec 29, " "

See Cert # 4045 - Powder River Decree

" " " 10135 - Price Cr - Priority 1931

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That GEO AND EBENEZER BURR
 of Baker, State of Oregon has a right to the use of
 the waters of Pine Creek, a tributary of Powder River

for the purpose of the irrigation of ¹⁶⁰~~340~~ acres of ~~land~~

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker County, and the said decree entered of record at Salem, in the Order
 Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291;
 that the priority of the right thereby confirmed dates from 1898 for Tract 1 and 1908 for
 Tract 2.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic foot
 per second per acre; and shall be subject to all other conditions and limitations
 contained in said decrees. 4 1/2 cfs

A description of the lands irrigated under such right, and to which the water is appur-
 tenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract No. 1
 5 acres SW¹/₄ SE¹/₄
 Section 20
 T. 8 S., R. 39 E., W.M.

Tract No. 2
 40 acres NE¹/₄ SE¹/₄
 40 acres NW¹/₄ SE¹/₄
 35 acres SW¹/₄ NE¹/₄ SE¹/₄
 40 acres SE¹/₄ SE¹/₄
 Section 20
 T. 8 S., R. 39 E., W.M.

This certificate describes that portion of the water right confirmed by the prior
 certificate recorded at page 4045, Volume 5, State Record of Water Right
 Certificates, NOT modified by the provisions of a Decree of the Circuit Court
 in and for Baker County entered February 25, 1963, in regard to Pine Creek
 Reservoir, and NOT modified by the provisions of an order of the Water
 Resources Director entered on April 20, 1977, approving transfer application
 No. 3554.

The issuance of this superseding certificate does not confirm the status of the
 water right in reference to ORS 540.610.

The right to the use of the water for irrigation purposes is restricted to the lands or place
 of use herein described.

WITNESS the seal and signature of the State
 Water Board, affixed this 15th day
 of February, 1923

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER
 State Engineer, President

Attest:

P. W. POTTER
 Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4045

T#3554

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM I. PIERCE FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM PINE CREEK)

ORDER APPROVING
TRANSFER NO. 3554

On February 28, 1977, an application was filed in the office of the Water Resources Director by William I. Pierce for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 4045, Volume 5, State Record of Water Right Certificates, in the name of Geo. and Ebenezer Burr, describes a right which includes the use of water from Pine Creek for irrigation of 30.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 35.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 8 South, Range 39 East, W.M., with a date of priority of 1898; and 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29, with a date of priority of 1908.

Water for the said right is diverted through the Strother Ison ditch from a point located 2380 feet North and 1810 feet East from the Southwest corner of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 2245 feet North and 2635 feet East from the Southwest corner of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29 (Bowles Ditch).

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from Pine Creek as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Geo. and Ebenezer Burr and recorded at Page 4045, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be

issued to the applicant herein.

Dated at Salem, Oregon, this 20th day of April, 1977.

/s/ JAMES E. SEXSON
Director