



Oregon

Kate Brown, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

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Fax: 1-866-214-3493

www.wrd.state.or.us

October 29, 2019

Eric Evans
Planner, Malheur Co.
Planning & Zoning Department
251 B Street West
Vale, OR 97918

Re: County Reference #10282 / Christopher Burke

Dear Mr. Evans

A water right search of the property owned by Christopher Burke located in T – 21S, R – 45E, section 35, tax lot 102 has revealed that a water right does exist on a portion of this land. The water right is identified by certificate #87470 and I have included a copy along with the map associated with it.

If you have any questions feel free to contact me.

Sincerely,

Ron Jacobs

District # 9 Watermaster

EXHIBIT #

1



STATE OF OREGON
 COUNTY OF MALHEUR
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAMES CLOUSE
 MARLENE KASTEN
 1880 OWYHEE LAKE RD
 NYSSA, OR 97913

confirms the right to use the waters of the OWYHEE RIVER AND OWYHEE RESERVOIR CONSTRUCTED UNDER PERMIT R-599 AND ENLARGED UNDER PERMIT R-1764, a tributary of THE SNAKE RIVER for IRRIGATION of 6.0 ACRES.

The date of priority is JULY 18, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.1 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	45 E	WM	35	SW NW	1822 FEET SOUTH AND 996 FEET EAST FROM THE NW CORNER, SECTION 35

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-SIXTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
21 S	45 E	WM	35	SW NW	6.00

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
21 S	46 E	WM	18	SW NW	2	OWYHEE DITCH - 1950 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER, SECTION 18

NOTICE OF RIGHT TO 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 183.482. 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.

Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards. When required by the Department, the water user shall install, maintain and operate 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

When required by the Department, the water user shall install, maintain, and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered January 12, 2009, at Special Order Volume 77, Page 77, approving Transfer Application 10531, and supercedes Certificate 61676, State record of Water Right Certificates.




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.

Issued AUG 10 2012 .



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director

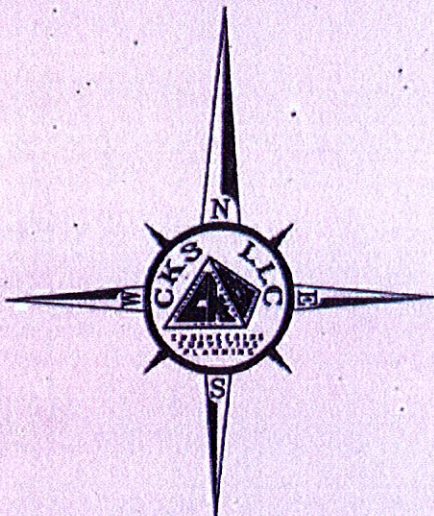
LEGEND

DISCRIPTION	SYMBOLS
SECTION LINE	_____
QUARTER-QUARTER LINE	- - - - -
TAX LOT LINE	_____
SECTION CORNER	
POINT OF DIVERSION	
PLACE OF USE	

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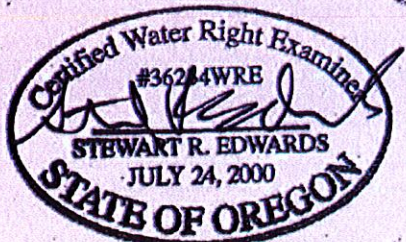
34

TRANSFER NO. T-10531

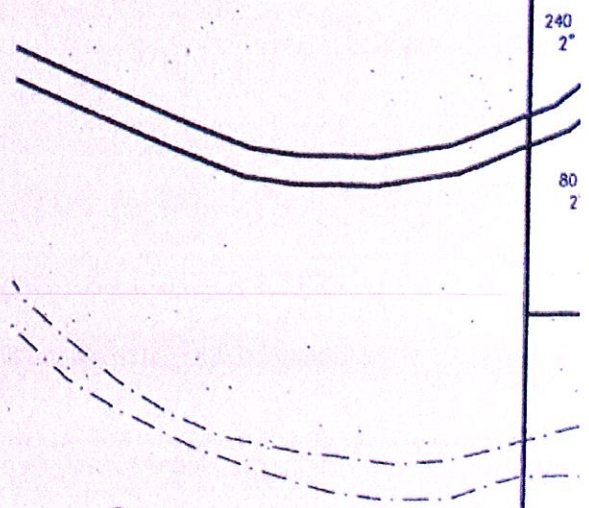


SCALE 1' = 400'

ALL DISTANCES SHOWN HERE ARE IN FEET, UNLESS NOTED OTHERWISE



9/25/09

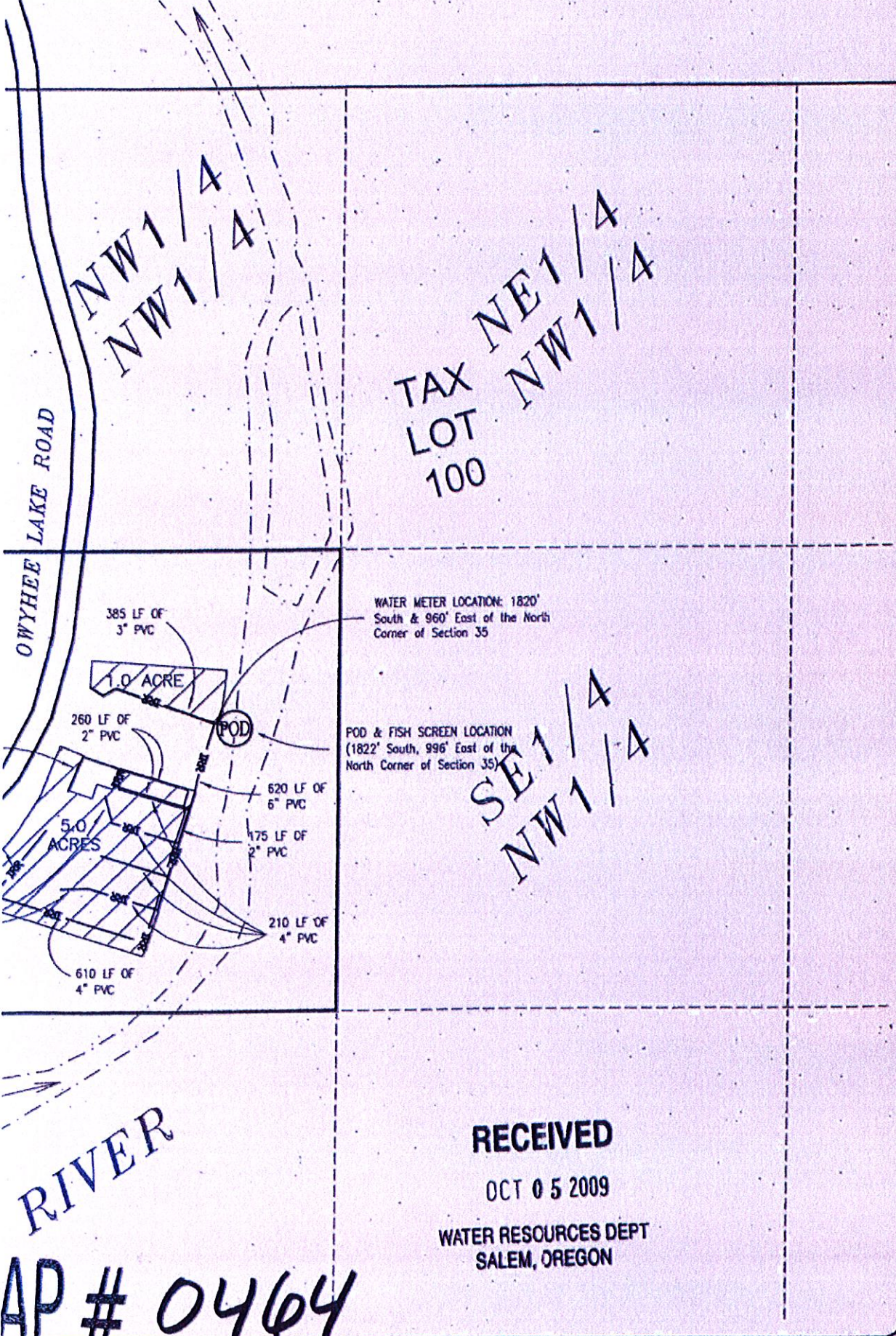


240
2'

80
2'

OWYHEE

DISCLAIMER



RIVER

AP # 0464

TAX LOT 100

NE 1/4 NW 1/4

WATER METER LOCATION: 1820' South & 960' East of the North Corner of Section 35

POD & FISH SCREEN LOCATION (1822' South, 996' East of the North Corner of Section 35)

SE 1/4 NW 1/4

RECEIVED

OCT 05 2009

WATER RESOURCES DEPT
SALEM, OREGON

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#	REVISION	DATE
1		
2		
3		
4		

ENG. BY: _____
APR. BY: STL
DWG. BY: _____
DATE: 09

CK3, LLC
368 S.W. 5th Avenue
Ontario, Oregon 97914
Phn: (541) 889-5411
Fax: (541) 889-2074
CIVIL-STRUCTURAL-ELECTRICAL
ENGINEERING, SURVEYING & PLANNING

CLAIM OF BENEFICIAL USE
T 21S, R 45E, SEC. 35, W.M.
MALHEUR COUNTY, OREGON
James Clouse & Marlene Kasten
1880 Owyhee Lake Road
NYSSA OREGON 97913

COBU
SHEET: 1 OF 1
JOB: CO-09010