T-8726

Randy and Linda Joseph	
ss 37123 Hansen Lane	DESCRIPTION OF WATER RIGHT
Baker City, Oregon 97814	Name of stream Sutton Crew
ge in Pou/DoD	Trib. of Powder Liver County of Baker Use Irrigation
filed March 19, 2001	Quantity of water
of hearing	Name of ditch
of hearing	Date of priority 1994/1997/1995
of order, page,	In name of Charle T. Dougherty
for application of water	Adjudication, Vol, page
mailed	App. No. Per. No. D4113 Cert. No. 4113
received	Certificate cancelled
icate issued, page,	Notation made on record by
RE	MARKS
1D/Leland L Myers, CLURE	
·	
······································	

FEES PAID

Date	Amount	Receipt No.
3-19-01	40000	143735
TOTAL		
IOIAL	Cert. Fee	
	Cert. Fee	
	FEES REFUNDED	,
	FEED REFUNDED	
Date	1 Amount	Check No.



Application for Water Right

Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

		APPLICATION FOR:	
		Please check one	
Water Ri	oht Transfor To	emporary Transfer	Dames American
			· · · · · · · · · · · · · · · · · · ·
۰	Historic Point of Diversion	n Change Governmer	nt Action Point of Diversion
	r y a en la respectación de la confesión de la		
	1. AP	PLICANT INFORMATIO	DN
Name:	Randy & Linda	Joseph Last	
	First	Last	
Address: 3	7123 Hansen Lane		
	Baker City	OR	97814
	City	State	Zip
Phone:	541 894-2347		
	541 894-2347 Home	Work	Other
Edl	1 001 22117		
*Fax: <u>571</u>	1-074-774/	*E-Mail address:/	nillwork@eoni.com
Optional infor			
		2. TYPE OF CHANGE	
Use	Place of Use	Point of Diversion	Point of Appropriation
D			ines and pumping from the
		nood irrigation to wricer	ince and pumping from the
creek rathe	er than using ditches.		
is the land w	vithin an irrigation or other	water district? Yes	10 RECEIVE
	_		
f yes, include	e district name:		MAR 1 9 20
			-
			WATER RESOURCE SALEM, OREGO
		For Department Use	
· Ar	pp. No.	Permit No.	Data
~ L	PP. 140	i Citilit IVU.	Date

	3	CURRENT	WATER RIG	HT INFORM	MATION	
Name on Pe	ermit, Certifica	ate, or Decree	:	Claude	T. Dougherty	
Decree:	cable]		D 4	113 /		
Permit Num		D 4113	Certificate	Number: blicable]	411	3
Priority Date: 1884(1),1887(2)&1895(3) Authorized Use: Irrigation						
Source of Water: Sutton Creek County: Baker						· · · · · · · · · · · · · · · · · · ·
			ater right? version or P			
(from re	Coordinates cognized surve	y comer)	1/4 1/4 Section	Section	Township	Range
Palmer	Denham Dito	hes 1 - 2	NWSW - NENW	7 - 12	108 - 108	40E - 41E
D	ougherty Ditc	h 2	SESE	12	108	40E
Location of	Authorized	Place of U	se:			
Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
108	40E	12		NENW	10 40 2200	6.0 (1// 1)
				NWNW		13.0(+ 5)
				SWNW		4.0 (17)
				SENW		15.0(1/1)
				SENW		8.0 (2)
				SENW		5.0 (10)
Are there oth	ner lands des	cribed in the v	vater right?	Yes ✓No	,	1895 1887 18
		ts or permits a of all rights or	associated with permits.	n this land?	Yes No	19,21,11
Description of The old	of general del system us	ivery system (sed three c	ditch measurem bitches out	ents, pump si. of Sutton	ze, number of spr Creek which	inklers, etc.): ch are
					pumps are ivering wate	· · · · · · · · · · · · · · · · · · ·
					inkler heads	
			e hand line			

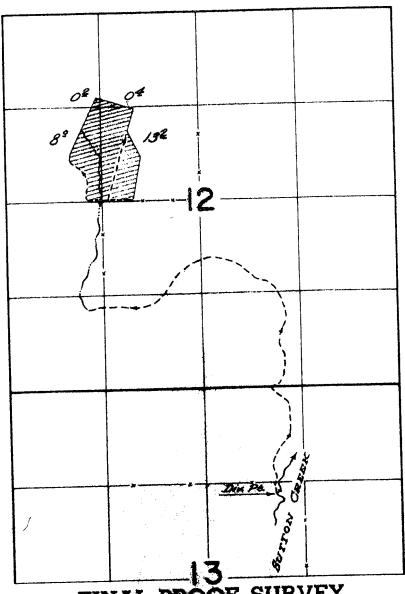
1.28

System capacity (in cfs):

T-872

	4. PF	ROPOSED CI	HANGES TO	THE WATER	RIGHT	_
- Change in Proposed use						C-4113
/opossu						
/ Change in	Point of D	iversion or F	oint of Appr	opriation:		
Change	Change		6	Additional		
	Old poin	t of diversion o	or '''	Both old and	new points of points of appro	.
	point of a	appropriation value for this portion	viii not 1 of	priation will b	e used for this	i
	the wate			portion of the	water right.	
ocation of	Proposed	Point of Dive	ersion or Poi	nt of Approp	oriation	
(from red	Coordinates cognized surve	y comer)	1/4 1/4 Section	Section	Township	Range
1430'S & 7	45'W from l	N1/4 corner	SENW	12	10S	40E
Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
108	40E	1		swsw	10 40 2200	(2) 3.0
		12		NENW		166 (2) 0.3
				NWNW		(8) 10.4
				SWNW		16(1) 3.2 (2) 5.9
				SE SW		(1) 7.8 (2) 1.4
						& (3) 19.0
Remarks: (0.28 cfs h	nas a priori	ty date of	1884(1), O.	.52 cfs has	a priority
date of	1887(2) s	and 0 48 cf	s has a pri	ority date (01 1895(3)	. Ine
original	area of u	se is unma	apped so th	ne Transfe	r From Ma	p makes a
best gue	ess estim	ate as to t	ne originai	place of u	se.	RECEIVED
						MAR 1 9 2001
						WATER RESOURCES D SALEM, OREGON
						MURIALINI, OUERAUM

TIOS.R.40E.W.M.



FINAL PROOF SURVEY

Applicatio No. 23203. Permit No. 22191.

LAURENICE X CARROLL

Surveyed Sant 12 1960, by C. Backle

	-	3. CURRENT	WATER RIGI	HT INFORM	MATION	
Name on Pe	rmit, Certific	cate, or Decre	e:	Lawren	ce X. Carroll	
Decree:	able]					-
Permit Numb		22191	Certificate		285	29
Priority Date	Priority Date: March 13, 1953 Authorized Use: Irrigation					
Source of Wa	ater:	Sutton Creek	County:		Baker	
Are there oth	ner sources	listed on the v	vater right? 。'	Yes No		
Location of	Authorize	ed Point of C	oiversion or P	oint of App	ropriation:	
(from re	Coordinate cognized surv		1/4 1/4 Section	Section	Township	Range
1460'S & 9	960'E from	N1/4 corner	SWNE	13	108	40E
Location of	Authorize	ed Place of L	Jse:			
Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
10S	40E	12		NENW	10 40 2200	0.4
				NWNW		0.2
				SWNW		8.0
				SENW		134 12.0
						<u> /2j</u>
Are there oth	er water rig	scribed in the	associated with	Yes No this land?	· Yes /No	
Description of Originally	of general de y was a c		r permits. (ditch measurem m with flood ng from a su			
		-				
System capa	city (in cfs):			0.52		

Old point of diversion or point of appropriation will not be used for this portion of the water right. Both old and new points of diversion or points of appropriation will be used for this portion of the water right.	C-2850
point of appropriation will not be used for this portion of the water right. Ocation of Proposed Point of Diversion or Point of Appropriation Coordinates diversion or points of appropriation priation will be used for this portion of the water right. Coordinates 1/4 1/4 Section Township	Bassa
Old point of diversion or point of appropriation will not be used for this portion of the water right. Description of point of diversion or points of appropriation will be used for this portion of the water right. Description of the water right. Description of the water right. Coordinates 1/4 1/4 Section Township	Bassa
Section	Pages
Section	Donas
	Range
1430'S & 745'W from N1/4 corner SENW 12 10S	40E
Township Range Section Government Lot or DIC Section Number (if	Acres fappropriate)
NWNW 2!	6 1.8
SWNW 78	7.4
SENW	3.8
	121
Remarks: Combining 3 PODs from Permit No. D4113 and this o central pumping station because the ditches are no longer serviceable. Further this will permit better water management	
	RECEIVE
	MAR 1 9 200
W	VATER RESCURCES SALEM, OREGO

R	EX	ш	R	TS
O.		ПІ	D	10

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form: Enclosed

Not needed: (must meet the following four requirements)

- In EFU zone or irrigation district.
- · Change in place of use only.
- No structural changes needed, including diversion works, delivery facilities, other structures.
- · Irrigation only.

/	List all affected governments (city, county,
	state, tribal, federal):
R	aker County

Map:

Water Right Transfer: Must be prepared by a Certified Water Right Examiner.

All others: Need not be prepared by a Certified Water Right Examiner.

Degd:

Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

Amount enclosed \$ 400, -

See instruction book for fee schedule.

7	C	IGN	ראו	T1 I	⊏
1.	0	וטו	\sim	·	_

I (we) swear that	I (we) have read th	e above application	and the staten	nents made are tr	ue
and accurate.	1				

The file

NANDY JOS

3-13-01

applicant signature

LINDA JOSEPH

3-13-01

Before you submit your application be sure you have:

- · Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED

COUNTY OF Baker

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAWRENCE X. CARROLL

, State of California, has made proof c/o Parrish Bros. Const. Co. to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Benicia for the purpose of Satton Creek a tributary of Powder River irrigation of 21.8 acres

of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 13, 1953

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.55 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SK RE2, Section 13, T. 10 S., R. 40 E., W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to case-fortisth 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 32 sore feet per sore for each sore irrigated during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

> 0.1 acres NE NE - 2 0.2 acres NE NE - 2 8.0 acres SK NE - 2 13.2 acres SE NE - 3 2 Section 12 T. 10 S., R. 40 E., W.L.

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 State Engineer, affixed

APRIL 28 1961 this date.

LEWIS A. STANLEY

State Engineer

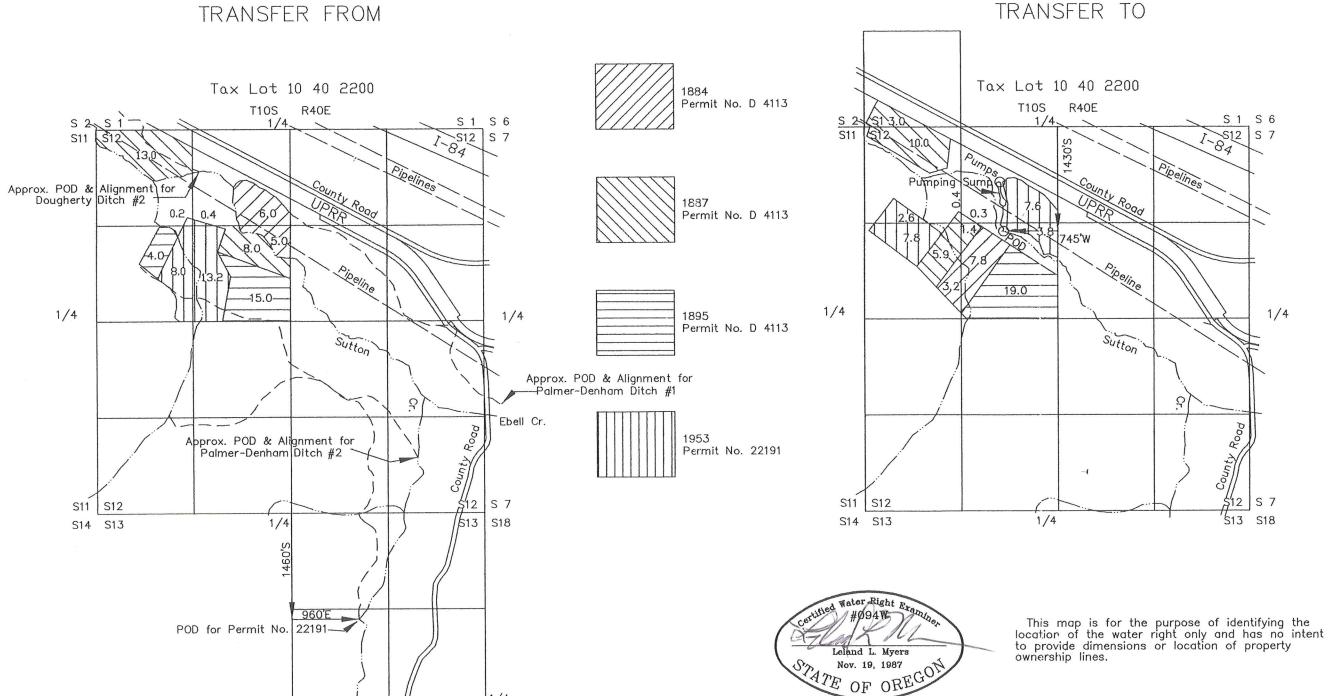
Recorded in State Record of Water Right Certificates, Volume 20 , page



WATER RIGHTS TRANSFER APPLICATION MAP

Applicant: Randy & Linda Joseph 37123 Hansen Lane Baker City, OR 97814

TRANSFER FROM



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 8726 submitted by

RANDY AND LINDA JOSEPH 37123 HANSEN LANE BAKER CITY, OREGON 97814.

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 4113. The decree is recorded in the Order Record of the Water Resources Director in Volume 6, at Page 291. The dates of priority are 1884 FOR 11.0 ACRES, 1887 FOR 21.0 ACRES and 1895 FOR 19.0 ACRES.

The right allows the use of SUTTON CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 51.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

beneficially used and shall not exceed 1/40 of one cubic foot per second per acre, if available at the authorized points of diversion: PALMER DENHAM NO. 1 (1884), DOUGHERTY DITCH NO. 2 (1887), AND PALMER DENHAM NO. 1 (1895).

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; and shall be subject to all other conditions and limitations contained in said decree.

The authorized places of use are located as follows:

1884

NE¼ NW¼ 6.0 ACRES

SE% NW% 5.0 ACRES

<u> 1887</u>

NW1/4 NW1/4 13.0 ACRES

SE% NW% 8.0 ACRES

1895

SW¼ NW¼

4.0 ACRES

SE¼ NW¼

15.0 ACRES

SECTION 12

TOWNSHIP 10 SOUTH, RANGE 40 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.

The SECOND right to be modified, as evidenced by Certificate 28529, was perfected under Permit 22191 with a date of priority of MARCH 13, 1953. The right allows the use of SUTTON CREEK, a tributary of the POWDER RIVER, for IRRIGATION OF 21.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 cubic foot per second, if available at the authorized point of diversion: SW% NE%, SECTION 13, T 10 S, R 40 E, W.M., 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 existing for the same lands, is limited to ONE-FORTIETH 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 3½ acre-feet for each acre irrigated during the irrigation season of each year.

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

The authorized places of use are located as follows:

 NE¼ NW¼
 0.4 ACRE

 NW¼ NW¼
 0.2 ACRE

 SW¼ NW¼
 8.0 ACRES

 SE¼ NW¼
 13.2 ACRES

SECTION 12

TOWNSHIP 10 SOUTH, RANGE 40 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:

CERTIFICATE 4113

1884

SW¼ NW¼ 3.2 ACRES SE¼ NW¼ 7.8 ACRES

SECTION 1

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

1887

SW% SW% 3.0 ACRES SECTION 1

1

 NE¼ NW¼
 0.3 ACRE

 NW¼ NW¼
 10.4 ACRES

 SW¼ NW¼
 5.9 ACRES

 SE¼ NW¼
 1.4 ACRES

SECTION 12

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

1895

SE¼ NW¼ 19.0 ACRES

SECTION 12

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

CERTIFICATE 28529

 NE¼
 NW¼
 7.6
 ACRES

 NW¼
 NW¾
 2.6
 ACRES

 SW¼
 NW¾
 7.8
 ACRES

 SE¼
 NW¾
 3.8
 ACRES

SECTION 12

TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

The applicant further proposes to change the point of diversion to:

SE% NW%, SECTION 12, T 10 S, R 40 E, W.M.; 1430 FEET SOUTH AND 745 FEET WEST FROM THE N% CORNER, SECTION 12.

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, 2003.

- 2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
- 3. **PRIOR** to the diverting of water at the new point of diversion, the water user **SHALL** install and maintain a headgate, 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 headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- 4. Water shall be acquired from the same surface water source as the original points of diversion.
- 5. The former places of use shall no longer be irrigated as a part of this water right.
- 6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 4113 and 28529 are canceled. 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 August 26, 2002.

Paul R. Cleary, Director

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certity, That	CIROUR I. DOUGHERII
of Baker , State of	Oregon 97814 has a right to the use of
the waters of Sutton Creek, tribute	ary of Powder River
for the purpose of the irrigation of :	51 acres of land
Record of the STATE WATER BOARD of that the priority of the right thereby confirm 21 acres and 1884 for 11 acres	
that the amount of water to which such righ amount actually beneficially used for said pr per second per acre; and shall be s contained in said decree	t is entitled, for the purposes aforesaid, is limited to an urposes, and shall not exceed 1/40 of one cubic foot ubject to all other conditions and limitations
tenant (or, if for other purposes, the place w 4 acres in the Southwest quart Southeast quarter of Northwest quart west quarter of Northwest quarter a quarter of Section Twelve: 6 acres and 5 acres in the Southeast quart	under such right, and to which the water is appurhere such water is put to beneficial use), is as follows: or of Northwest quarter and 15 acres in the ter of Section Twelve: 13 acres in the Northmas acres in the Southeast quarter of Northwest in the Northeast quarter of Northwest ouarter or of Northwest cuarter of Section Twelve, t of Willamette Meridian, in Baker County,
oregon. (/895) 2 / (/887)	Now Prince Darbam NO 1
Township Ten South, Range Forty Eas Oregon. (1895) (1887) 4° SWNW-4' 13° NWNW-13° 5° SENW-15' 8 SENW-8° 2° SENW-15' Sec17	16° NENW -60 5° SENW -52
Sec12 Stal 21 Total	1 TOTAL O Rem
The right to the use of the water for a of use herein described.	irrigation purposes is restricted to the lands or place WITNESS the seal and signature of the State Water Board, affixed this of February , 192 3
	STATE WATER BOARD
(Seal of State Water Board)	By
	Attoct

Recorded in State Record of Water Right Certificates, Volume

T-8726 DAOU/DOD

4113

Secretary

R. W. POTTER

, page



Water Resources Department

Commerce Building 158 12th Street NE Salem, OR 97301-4172 (503) 378-3739 FAX (503) 378-8130 www.wrd.state.or.us

August 29, 2002

Randy & Linda Joseph 37123 Hansen Lane Baker City, Oregon 97814

REFERENCE: File T-8726

Enclosed is a copy of the order approving your water right transfer application T-8726.

A time to complete the transfer is given in the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed <u>only</u> upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

BERNADETTE WILLIAMS

Sarah Henderson

Transfer Program Coordinator

BW:sh

Enclosures

cc: Rick Lusk, Watermaster

Leland L. Myers, CWRE

INTEROFFICE MEMO EASTERN REGION WATER RESOURCES DEPARTMENT

TO:

Paul Cleary via Tom Paul

DATE: June 20, 2002

FROM:

Carrie Jones

SUBJECT:

Approval of Transfer 8726

Pursuant to ORS 540.510 to 540.530 Randy and Linda Joseph requested a change in Point of Diversion and Place of use from Certificates 4113 and 28529.

The Watermaster has reviewed the transfer application and found that no injury to existing rights or enlargement would result from the change. The Watermaster has no complaints of injury on record. I recommend that the transfer order be approved.

Carrie

F87260



Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

		APPLICATION FOR:	
			Permit Amendment ent Action Point of Diversion
	. 1. A	PPLICANT INFORMAT	TION
Name:	Randy & Linda	Joseph Last	
Address: 3	7123 Hansen Lane		
	Baker City	OR	97814
	City	State	Zip
Phone:	541 894-2347	Work	Other
*Fax: 54. *Optional info			millwork@eoni.com
		2. TYPE OF CHANGE	
Use	Place of Use	Point of Diversion	Point of Appropriation
	change: Changing from than using ditches.	m flood irrigation to whee	el lines and pumping from the
		ner water district? Yes	No RECEIVED
If yes, includ	de district name:		MAR 1 9 2001
			WATER RESOURCES DEPT SALEM, OREGON
		For Department Use	
Α	App. No	Permit No.	Date

T-8726

4. PROPOSED CHANGES TO THE WATER RIGHT

Change in	Use:	
roposed use	9:	
/		
Change in	Point of Diversion or Point of A	ppropriation:
_	Change	 Additional
	Old point of diversion or point of appropriation will not be used for this portion of the water right.	Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey comer)	1/4 1/4 Section	Section	Township	Range
1430'S & 745'W from N1/4 corner	SENW	12	10S	40E

Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
108	40E	1		swsw	10 40 2200	(2) 3.0
		12		NENW		(2) 0.3
				NWNW		(2) 10.4
				SWNW		(1) 3.2 (2) 5.9
				SESW		(1) 7.8 (2) 1.4
						& (3) 19.0

Remarks:	0.28 cfs has a prior	ority date of 1884(1), 0.52 cfs has a priority	
date of	1887(2) and 0.48 c	cfs has a priority date of 1895(3). The	
origina	I area of use is unm	mapped so the Transfer From Map makes a	
		the original place of use.	
		RECEIV	ED
		MAR 1 9 2	001
		WATER RESOURCE SALEM, ORE	ES DEF

4. PROPOSED CHANGES TO THE WATER RIGHT Change in Use: Proposed use: _ ✓ Change in Point of Diversion or Point of Appropriation: ✓ Change Additional Both old and new points of Old point of diversion or diversion or points of appropoint of appropriation will not priation will be used for this be used for this portion of portion of the water right. the water right. Location of Proposed Point of Diversion or Point of Appropriation 1/4 1/4 Coordinates Section Township Range Section (from recognized survey corner) **10S** 40E 12 **SENW** 1430'S & 745'W from N1/4 corner Change in Place of Use: Location of Proposed Place of Use Acres Government 1/4 1/4 Tax Lot Section **Township** Range (if appropriate) Number Section Lot or DIC 7.6 10 40 2200 **NENW** 12 10S 40E 1.8 **WNW** 7.4 **SWNW** 3.8 **SENW** Remarks: Combining 3 PODs from Permit No. D4113 and this one to a central pumping station because the ditches are no longer serviceable. Further this will permit better water management. RECEIVED MAR 1 9 2001 NATER RESCURCES DEFI

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

Enclosed

Not needed: (must meet the following four requirements)

- In EFU zone or irrigation district.
- Change in place of use only.
- No structural changes needed, including diversion works, delivery facilities, other structures.
- Irrigation only.

/	List all affected governments (city, county,
	state, tribal, federal):
Q	akar County

Map:

Water Right Transfer: Must be prepared by a Certified Water Right Examiner.

All others: Need not be prepared by a Certified Water Right Examiner.

Degd:

Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

See instruction book for fee schedule.

7.	SIGI	NAT	URE
----	------	-----	-----

I (we) swear tha	t I (we) have read the al	bove application and the	e statements made are true
and accurate.	1		

applicant signature

name (print)

3-13-0

applicant signature ()

LINDA JOSEPH

3-13-01

date

Before you submit your application be sure you have:

- · Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED

Transfer Application/ 7 of 7

MAR 1 9 2001

WATER RESOURCES DEPT. SALEM, OREGON

F8726



Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

<u> </u>		APPLICATION FOR:		
Water R	Right Transfer Historic Point of Divers	Please check one Temporary Transfer ion Change Governr	Permit Amer	ndment of Diversion
	1. A	APPLICANT INFORMA	TION	
Name:	Randy & Linda First	Joseph		
Address:	37123 Hansen Lane			
	Baker City	OR State	97814 Zip	
Phone:	541 894-2347 Home	Work	Other	
*Fax: 54 *Optional info	11-894-4347 ormation	*E-Mail address:	millworke	Deoni.com
		2. TYPE OF CHANGE		
Use	Place of Use	Point of Diversion	Point of App	propriation
		m flood irrigation to whe		
is the land v	vithin an irrigation or oth	er water district? Yes	√No	RECEIVED
If yes, includ	de district name:			MAR 1 9 2001
				WATER RESOURCES DEF SALEM, OREGON
		For Department Use		
Α	vpp. No	Permit No.	Date	

	3. (CURRENT V	VATER RIGHT	INFORMA	TION	
Name on Per	mit. Certificat	e, or Decree:		Claude T.	Dougherty	
		•	 D 411			
Decree:	able]					
Not application	able]		Certificate N	cable		
Priority Date:	1884(1),18	87(2)&1895	(3) Authorized	Use:	Irrigation	
			County:		Baker	
Are there oth	ner sources lis	sted on the wa	ater right? - Y	es No	opriotion:	
Location of	Authorized	Point of Di	version or Po	int of Appro	орнацоп.	
(from re	Coordinates ecognized survey	y comer)	1/4 1/4 Section	Section	Township	Range
Palmer	Denham Dito	hes 1 - 2	NWSW - NENW	7 - 12	105 - 105	40E - 41E
D	ougherty Ditc	h 2	SESE	12	108	40E
Location of	f Authorized	d Place of U	se:			
Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
108	40E	12		NENW	10 40 2200	6.0
				NWNW		13.0
				SWNW		4.0
				SENW		15.0
				SENW		8.0
				SENW		5.0
Are there of If yes, in Description The old being a Horsep 4" whee	ther water rig nclude a copy of general de system u bondoned ower mote el line that	hts or permits of all rights on all rights on all rights on all rights of are 1000	(ditch measuren ditches out from the cre centrifugal p	n this land? not sump single of Sutton eek. The numps del nith 25 spr	Yes No ze number of spr. Creek which pumps are ivering wate inkler heads	2 - 20 er to three
System cap	pacity (in cfs):			1.28		

T-872

4. PROPOSED CHANGES TO THE WATER RIGHT Change in Use: Proposed use: __ ✓ Change in Point of Diversion or Point of Appropriation: Additional Change Both old and new points of Old point of diversion or diversion or points of appropoint of appropriation will not priation will be used for this be used for this portion of portion of the water right. the water right. Location of Proposed Point of Diversion or Point of Appropriation 1/4 1/4 Coordinates Range Township Section Section (from recognized survey corner) **10S** 40E 12 SENW 1430'S & 745'W from N1/4 corner Change in Place of Use: Location of Proposed Place of Use Acres Government 1/4 1/4 Tax Lot Range Section (if appropriate) Township Number Lot or DIC Section 10 40 2200 (2) 3.0SWSW 1 **10S** 40E (2) 0.3**NENW** 12 (2) 10.4NWNW (1) 3.2 (2) 5.9 **SWNW** (1) 7.8 (2) 1.4 **SESW** & (3) 19.0 Remarks: 0.28 cfs has a priority date of 1884(1), 0.52 cfs has a priority date of 1887(2) and 0.48 cfs has a priority date of 1895(3). The original area of use is unmapped so the Transfer From Map makes a best guess estimate as to the original place of use. RECEIVED MAR 1 9 2001 WATER RESOURCES DEPT

		CURREN	WATER RIG	BHT INFORM	MATION	
Name on Pe	ermit, Certific	ate, or Decre	ee:	Lawrer	nce X. Carroll	_
Decree:	cable]					
Permit Num		22191	Certificate	e Number: _ plicable]	28	529
Priority Date	: Marc	h 13, 1953	Authorize	d Use:	Irrigat	ion
Source of W	ater:S	utton Creek	County: _		Baker	
			water right?			
-ocation of		J Point of L	Diversion or F	oint of App	propriation:	
(from re	Coordinates ecognized surve	y comer)	1/4 1/4 Section	Section	Township	Range
1460'S &	960'E from N	N1/4 corner	SWNE	13	108	40E
ocation of	Authorized	l Place of U	Jse:			
Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
108	40E	12		NENW	10 40 2200	0.4
				NWNW		0.2
				SWNW		8.0
				SENW		13.242.0

Are there oth If yes, inc Description o Originally	er water righ lude a copy of f general del / Was a d	ts or permits of all rights o very system tch syste	water right? • associated with r permits. (ditch measurem with flooding from a su	n this land? nents, pump sized irrigation	ze, number of sp 1. Comb ini	rinklers, etc.): Ing four Ilers. See
System capa	city (in cfs): _			0.52		

	4. F	PROPOSED	CHANGES T	OTHE WAT	ER RIGHT	
Change Proposed u						
Change	in Point of I	Diversion o	r Point of App	propriation	:	
	✓ Change	9	o	Additional		
	point of be used	int of diversion f appropriation d for this porti er right.	n will not	diversion of priation wi	nd new points or pr points of appoints of the ll be used for the the water right.	ro-
ocation o	f Proposed	Point of Di	version or Po	int of App	opriation	
(from r	Coordinates ecognized surve		1/4 1/4 Section	Section	Township	Range
1430'S & 745'W from N1/4 corner		SENW	12	108	40E	
Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
108	40E	12		NENW	10 40 2200	7.6
				NWNW		2.12km
		:		SWNW		7.874
				SENW		3.8
						3
emarks: central p	Combinin Dumping s	g 3 PODs tation bec	s from Perm cause the d	<u>iit No. D4</u> itches are	113 and thi	s one to a
servicea	ble. Furtl	ner this wi	II permit be	tter wate	r managem	ent.
	-			WALLEY		
						RECE
	7					MAR 1
		 				WATER RESOR SALEM, (
	· · · · · · · · · · · · · · · · · · ·					- ····, -

5. LAND OWNERSHIP

ļ	— Use/Place of Use —
Answer only	Are the lands free of encumbrances? Yes No
if for change in Use or	If no, name of encumbrance holder:
Place of Use.	If no, application must include written permission for the transfer from the encumbrance holder.
	Landowners ————————————————————————————————————
	This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.
Answer only if applicant	Landowners:(List all landowners shown on deed.)
is not the	
landowner.	Address(es):
	City State Zip
	Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.
	Receiving Landowner ————————————————————————————————————
	Name:
Answer only if the receiving landowner is	Address:
not the original	City State Zip
landowner or the applicant.	The Department's records should be changed to show this land- owner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
	Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

EXHIBITS				
6 EXHIBITS	_	 	-	
	_	 _		

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

Enclosed

Not needed: (must meet the following four requirements)

- In EFU zone or irrigation district.
- Change in place of use only.
- No structural changes needed, including diversion works, delivery facilities, other structures.
- Irrigation only.

	List all affected governments (city, county
	state, tribal, federal):
В	aker County

Mapr:

Water Right Transfer: Must be prepared by a Certified Water Right Examiner.

All others: Need not be prepared by a Certified Water Right Examiner.

Deed:

Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

Amount enclosed \$ 400, -

See instruction book for fee schedule.

7	S	G	N	Δ٦	ГΙ	11	Q	F
	.		w	~	ı	31		_

I (we) swear that	I (we) have read	the above a	pplication a	nd the sta	tements m	ade are	true
and accurate.	1						

and decerate:

MANDY JOS

3-13-01

-1100 R

LINDA JOSEP

3-13-01

Before you submit your application be sure you have:

- · Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

JAMES A ATTAWAY

of BOX 11 PLEASANT VLLY RT BAKER

has a right to the use of the waters of A SUMP

POWDER RIVER

basin for the purpose of

IRRIGATION.

The right has been perfected under Permit G 8095. The date of priority is APRIL 10, 1978. The right is limited to not more than 0.160 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well. The well is located in the

SE 1/4 SE 1/4, Section 2, T 10 S, R 40 E, WM; 400 FEET NORTH & 810 FEET WEST FROM SE CORNER SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

	ACRES	1/4	1/4		SECTION	TOWN	SHIP	RAN	GE,	MW
supplemental supplemental supplemental	1.30	NE	NE		2 11 1		s s s	40	E	
Total:	12.50	supp	plemental	acres						

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 this date, MARCH 4, 1988.

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 56807 G 8727

BASIN 09 VOL 2

POWDER R MISC

WELLS DIS

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RANDY DUNBAR PLEASANT VALLEY ROUTE, BOX 2 BAKER, OREGON 97814

confirms the right to use the waters of A WELL in the SUTTON CREEK BASIN for the purpose of IRRIGATING 24.3 ACRES.

The right has been perfected under Permit G-8188. The date of priority is MAY 24, 1978. The right is limited to not more than 0.3 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SW 1/4, SECTION 1, T 10 S, R 40 E, W.M.; 520 FEET NORTH & 240 FEET EAST FROM SW CORNER SECTION 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SW 1/4 SW 1/4 15.5 ACRES SECTION 1

SE 1/4 SE 1/4 8.7 ACRES SECTION 2

NW 1/4 NW 1/4 0.1 ACRE SECTION 12 TOWNSHIP 10 SOUTH, RANGE 40 EAST, W.M.

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 this date DECEMBER 22, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58862

G-8823

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

JAMES A ATTAWAY
of BX 11 PLEASANT VALLEY RT BAKER
has a right to the use of the waters of SUTTON CREEK
a tributary of POWDER RIVER
for the purpose of
IRRIGATION.

The right has been perfected under Permit 39638. The date of priority is OCTOBER 17, 1974. The right is limited to not more than 0.230 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source. The point of diversion is located in the

SE 1/4 SE 1/4, Section 2, T 10 S, R 40 E, WM; 320 FEET NORTH & 790 FEET WEST FROM SE CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

	ACRES	1/4 1/4	SECTION	TOWNSHI		RANGE		WM
primary primary primary	10.70 0.50 1.30		2 1 11		S	40 40 40	E	
Total:	12.50	acres.						

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date, MARCH 4, 1988.

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 56878 52516

BASIN 09 VOL 2

POWDER R MISC

DIST 8

Plat Card Report for: Township: 10S, Range: 40E Section: 1

Page 1 of 1

					N	E			N	W			S	W		l	S	E		<u> </u>	
Application	Permit	Certificate	Status lot/dlc	NE	NW	SW	SE	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE	Gov't Lot	dlc
G 8727	G 8095	56807			-									0.500		-				Lot	
4/10/1978								4						0.500 IR (s)							
G 8823	G 8188	<u>58862</u>						7			1		PART	15 500							
5/24/1978		-						7						15.500 IR							
S 52516	S 39638	<u>56878</u>												0.500							
10/17/1974		-												0.500 IR							
S 60545	S 45116		Cncld					-/													├─
8/27/1980								\						RW Cncld	RW Cncld						
S 60971	S 45272		Cncld			ř		/						Citeta	Chela				——————————————————————————————————————	\vdash	
11/7/1980				IM Cncld	IM Cncld	IM Cneld	IM Cneld	IM Cneld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cneld	IM Cncld	IM Cneld		
		Go t	o 10S,	40E, 1	page:	1	<u> </u>		to Se											Search	Pag

NOTE: Please read the <u>disclaimer</u> before using this information. Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card FAQ.

Plat Card Report for: Township: 10S, Range: 40E Section: 12

Page 1 of 2

					N.	E			N'	W			S	N			S		1411		
Application	Permit	Certificate	Status lot/dlc	NE	NW	SW	SE	NE	NW	sw	SE	NE	NW	SW	SE	NE	NW	sw	SE	Gov't Lot	dlc
	D 4113	4113	-2.772.							4.000	15.000										
12/31/1895		-								IR	IR										
	D 4113	4113							13.000		8.000										
12/31/1887									IR		IR										
	D 4113	<u>4113</u>						6.000			5.000										
12/31/1884		-						IR			IR										
	D 4394	4394	Cncld			23.000 IR										19.000 IR	23.000 IR		35.600 IR		
	*	-				Cncld								,		Cncld	Cncld		Cncld		
	D 4394	73582				23.000										19.000 IR (s)	23.000 IR (s)		35.600 IR (s)		
12/31/1906						IR (s)							***			IK (S)	IK (S)		-		
	D 4394	73582				23.000 IR										19.000 IR	23.000 IR		35.600 IR		
12/31/1873	*					IK										110					
	G 8188	58862							0.100 IR												
5/24/1978 S 28203	S 22101	28529																			
1	3 22191	-						0.400 IR	0.200 IR	8.000 IR	13.200 IR										İ
3/13/1953	C 45116		C 1.1														<u></u>				
1 1	S 45116		Cncld	RW	RW																
8/27/1980				Cncld	Cncld																
S 60971	S 45272		Cncld														7.	7.			
11/7/1980				IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld	IM Cncld		

Go to 10S, 40E, 12 page: 1 2 Next >>

Go to Section: 1 12

Return to Plat Card Search Page.

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Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card FAQ.

Plat Card Report for: Township: 10S, Range: 40E Section: 12

Page 2 of 2

					N.	E			N.	W		SW					S				
Application	Permit	! [Status lot/dlc	NE	NW	SW	SE	Gov't Lot	dlc												
P 82741																					Ī
1/10/1997								IR													•
P 82741																					
1/10/1997	*							WI													

Go to 10S, 40E, 12 page: << Previous 1 2

Go to Section: 1 12

Return to Plat Card Search Page.

NOTE: Please read the <u>disclaimer</u> before using this information. Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card FAQ.



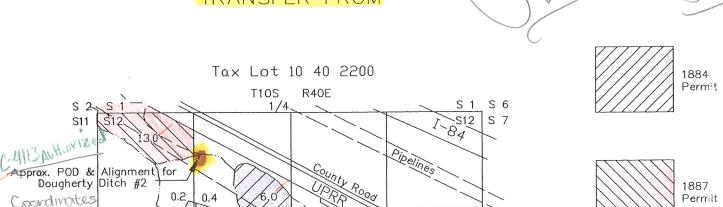
MAR 1 9 2001

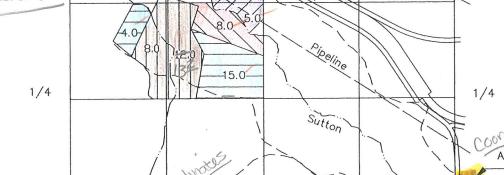
WATER RESOURCES DEP). SALEM, OREGON

WATER RIGHTS TRANSFER APPLICATION MAP

Scale 1" = 1320'







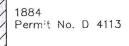




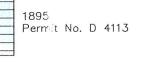


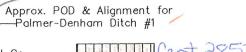
Ebell Cr.

\$13 S18









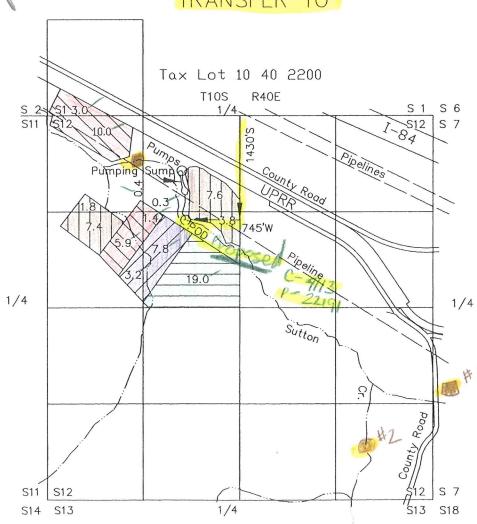






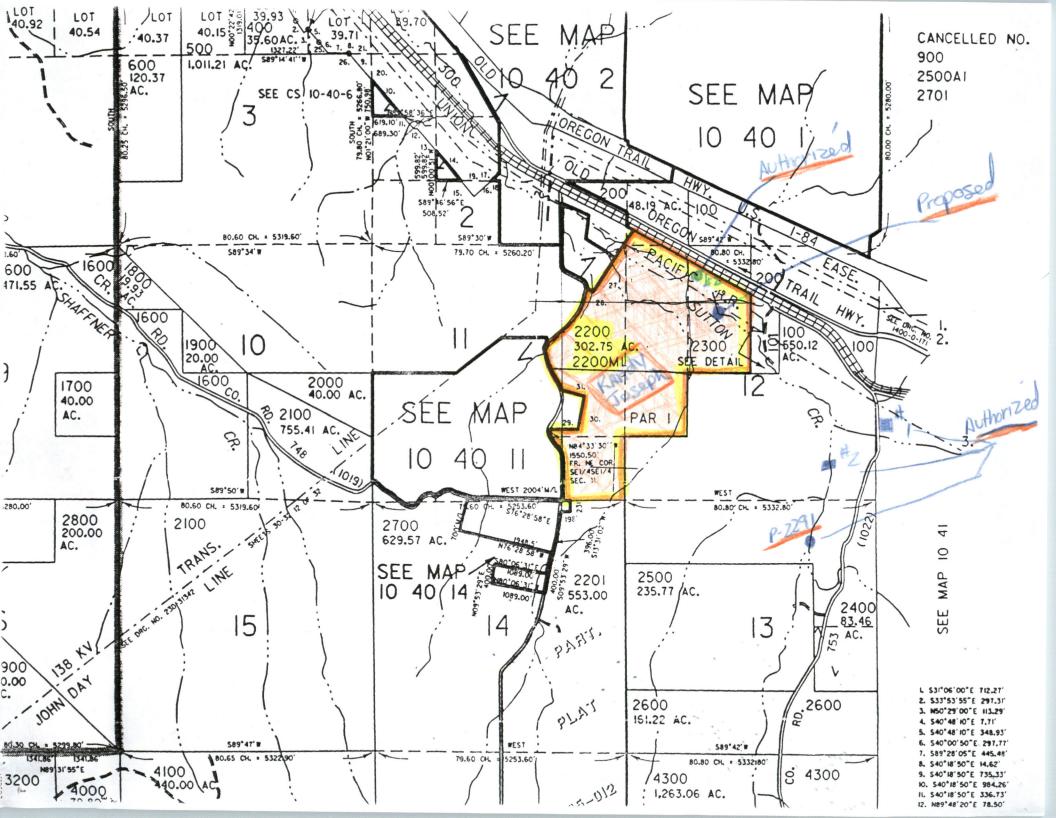
Applicant:

Randy & Linda Joseph 37123 Hansen Lane Baker City, OR 97814





This map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or location of property ownership lines.



UZ

A10200

UZ 0200

ASSESSMENT SEARCH

	2:38			ASSESSMENT	SEAR	2CH			A10200
	AME	JO	SEPH		YR	2002 X/	EM-NUMBER		
	AP					CO			
A	A=Activ	ze,∶	D=Delete	d,Blank=Both			ASS		
RR	REF#		NAME			MAP		CODE	CT.G
R	3863	1	JOSEPH,	BRENT M & MILDRED E		0984020			101
R	16887			BRENT M & MILDRED E		0984020			100
R	4297			DOROTHY		0954021			701
R	4894		JOSEPH,	DOROTHY & RANDY		0983728			400
R	13268			JAY H RANCHES INC		0854600	700	6106	
R	13269			JAY H RANCHES INC		08S4600			
R	13357		JOSEPH,			08S4611	100	6106	
R	11911		JOSEPH,	KEITH		06S4511		6106	
R	6437		JOSEPH,			10S3829I		6103	
R	3864			MARGARET ELAINE					559
R	10445			MELISSA DAVIS		09S4020I			109
R	17238					06S4000	300	2503	
			JOSEPH,	· · · · · · · · · · · · · · · · · · ·		08S4700		6104	550
R	17239		JOSEPH,			08S4700	2102	6104	550
R	11912	1	JOSEPH,	· -		06S4527I	DC 2000	6103	800
R	13639	1	,	PAUL E & LINDA L		06S4527I	DC 2100	6103	800
R	13332	2	JOSEPH,	PAUL E & LINDA L CP	*	08S4600	1300	6106	
R	6435	1	JOSEPH,	RANDY & LINDA		10S3800	2100		551
				- 11	7 - EO			19-MENU	JJ

1	2:38				ASS	ESSMEN'	T SEA	RCH			j	A1020
N	AME	JO	SEPH				YR	2002	X/EM-	NUMBER		
	AP								CODE			
Α	A=Activ	те,:	D=Delete	d,Blank=	Both				CLASS			
RR	REF#		NAME						MAP#		CODE	CLS
R	8275	1	JOSEPH,	RANDY &	LIN	DA		10S4	000	2200		551
R	8313	1	JOSEPH,	RANDY &	LIN	DA		10S4	000	4900		551
R	16749	1	JOSEPH,	RANDY &	LIN	DA		10S3	800	2100		550
R	1087	1	JOSEPH,	WILLIAM	A &	LYNNE	K	09S4	016CD	6700	501	
R	1088	1	JOSEPH,	WILLIAM	A &	LYNNE	K		016CD	6600		101
R	11908	1	JOSEPH,	WILLIAM	A &	LYNNE	K	06S4	527DC	2300	6103	
R	11909	1	JOSEPH,	WILLIAM	A &	LYNNE	K	06S4	527DC	2200	6103	
R	15220	1	JOSEPH,	WILLIAM	A &	LYNNE	K	09S4	016CD	6601	501	
U	800741	1	JR SIMPI	LOT COMP	ANY			U107			501	
U	800742	1	JR SIMPI	LOT COMP	ANY			U107			502	
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U	800745	1	JR SIMPI	LOT COMP	ANY			U107			525	
U	800746	1	JR SIMPI	LOT COMP	ANY			U107			535	
U	800747	1	JR SIMPI	LOT COMP.	ANY			U107			1601	
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R 14612 1 HENRY DEPON 5 & MARILIN TRST 1084000 300 50	7 559
RM 8274 1 DAVED VALUE 1054000 400 50	7 550
MP 901055 1 CAMERON I TRANSPORT INC 10S4000 500 50	7 551
R 8284 1 USA	7 19
R 9319 1 FOCKED PANCY 1054000 600 50	7 976
1094000 700	5 550
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A10200



Water Resources Department

Commerce Building 158 12th Street NE Salem, OR 97301-4172 (503) 378-3739 FAX (503) 378-8130

March 27, 2001

Jeff Zaikle Oregon Department of Fish and Wildlife 107 20th Street LaGrande, OR 97850

Reference: Transfer # 8726

Enclosed for your review is a copy of a water right transfer application from **Sutton Creek**, tributary of **Powder River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Baker City office

Attention: CARRIE JONES Water Resources Department 1995 THIRD ST SUITE 180 BAKER CITY OR 97814-3333

by April 28, 2001 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)523-5224.

Enclosure

cc: Wm # 8, Rick Lusk

Applicant

April 18, 2002

Maded 4/19/02

E-mail: carrie.r.jones@wrd.state.or.us

Randy & Linda Joseph 37123 Hansen Lane Baker City, OR 97814

Re: Transer 8726

Dear Randy & Linda;

I have finished the publication, which is included, for you to take to the newspaper. I also included an instruction sheet in case there is any confusion.

Once the publication period is over, I will create a special order and remaining right certificate to be sent to Salem for final processing.

Please let me know when your ad will be published so I can keep track of the dates.

Please give me a call if you need assistance or have any questions. My phone number is (541) 523-8224 Extension 36.

Thank you

Carrie Jones Water Right Transfer Specialist Eastern Region April 18, 2002

Randy & Linda Joseph 37123 Hansen Lane Baker City, OR 97814

Re: Transer 8726

PUBLICATION INSTRUCTIONS FOR WATER RIGHT TRANSFERS

E-mail: carrie.r.jones@wrd.state.or.us

Enclosed is a document entitled "NOTICE OF WATER RIGHT TRANSFER 8726" called NOTICE hereafter. Have this NOTICE published in a local newspaper having general circulation in the area where the transfer is requested. The publication needs to run at least three consecutive weeks with at least one publication each week. Please let the local newspaper know who the bill goes to so it does not go to the department.

**The bold, underlined areas in the "Notice" need to be replaced by the appropriate dates by the publishing organization.

Once the publication is complete, please send me an affidavit of publication from the newspaper indicating the dates that the notice was published and/or preferably a copy of the notice itself.

Publication of this NOTICE is required to further process your transfer application. If at the end of the comment deadline no protest is filed, your transfer request will be processed further. If protests are received, a hearing may be held.

If you have questions, please call me at 541 523-8224 ext. 36 or write me where indicated above.

Sincerely,

Carrie Jones Water Right Transfer Specialist Eastern Region

NOTICE OF WATER RIGHT TRANSFER 8726

Randy and Linda Joseph filed an application with the Water Resources Department for a change in Point of Diversion and Place of Use of water as provided by ORS 540.510 to 540.530.

Certificate 4113, in the name of CLAUDE T. DOUGHERTY, includes a right limited to 1.27 cubic feet per second from Sutton Creek, with priority dates of 1884 for irrigation of 11.0 Acres, 1887 for 21.0 Acres and 1895 for 19.0 Acres.

The points of diversion for these rights are in the: NW\(\frac{1}{2}\)SW\(\frac{1}{2}\), SECTION 12, T 10 S, R 40 E, 7, T 10 S, R 41 E, WM; NE\(\frac{1}{2}\)NW\(\frac{1}{2}\), SECTION 12, T 10 S, R 40 E, WM;

Certificate 28529, in the name of LAWRENCE X. CARROLL, includes a right limited to 0.51 cubic foot per second from Sutton Creek, with a priority date of March 13, 1953 for irrigation of 20.6 Acres.

The point of diversion for these rights is in the: SW%NE%, SECTION 13, T 10 S, R 40 E, WM; 1460'S and 960'E from N% cor, Sec 12.

The applicant proposes to change the point of diversion to: SE½NW¼, SECTION 12, T 10 S, R 40 E, WM; 1430' S AND 745' W FROM THE N½ CORNER, SECTION 12.

The applicant further proposes to change the place of use within: SW\s\W\, SECTION 1, NW\s\N\, NE\s\N\\, SW\s\N\\, SE\s\N\\, SECTION 12, T 10 S, R 40 E, WM;

Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 1-503-378-8455. If a protest is filed a hearing may be held.

The last date of publication is <u>INSERT LAST DATE OF PUBLICATION HERE</u>. IF NO PROTEST IS FILED BY <u>INSERT LAST DATE OF PUBLICATION + 30 DAYS HERE</u>, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.



Water Resources Department

Commerce Building 158 12th Street NE Salem, OR 97301-4172 (503) 378-3739 FAX (503) 378-8130

March 27, 2001

Randy & Linda Joseph 37123 Hansen Lane Baker City, Oregon 97814

REFERENCE: Transfer 8726

On 03-19-2001 we received your water right transfer application requesting a change in Place of Use and Point of Diversion for use of water from Sutton Creek. The application was accompanied by \$ 400.00. Our receipt 43738 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (800)624-3199 or (503)378-3739.

CC: Watermaster #8, Rick Lusk
CWRE, Leland L. Myers

Central Oregon Irrigation District

enclosure

INTEROFFICE MEMO EASTERN REGION WATER RESOURCES DEPARTMENT

TO:

Transfer File T-8726

DATE: April 19, 2002

FROM:

Carrie Jones

SUBJECT:

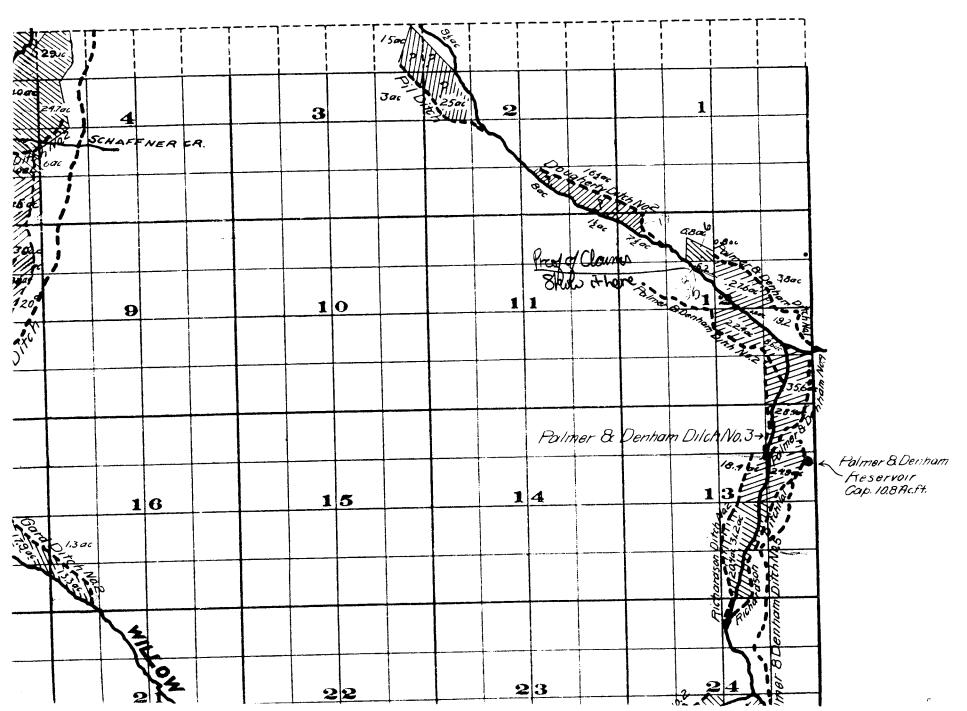
Point of Diversion Conflict

Certificate 4113 lists 3 points of diversion. The proof of claims and the adjudication map conflict one another on the location of one of the points of diversion. The adjudication map shows the point of diversion for Dougherty #2 is located in the NE¼NW¼, Sec. 12. The proof of claims show it to be in the SE¼NW¼ Sec. 12.

The Watermaster and I decided to use the location described in the adjudication map, when writing the order, since all three points of diversion have been abandoned many years ago and are very difficult to determine the exact location by meets and bounds.

OSouth,

*Range 40 East



BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No.2,	Baker	Count y
In the Matter of the Determination of the Relat		
Rights to the Waters of Powder	\ DI	ATEMENT AND PROOF OF CLAIMANT
River and its tributaries	s, a (
Tributary of SNAKE RIVER. COOK.	Palm	er & Denham No. 2
(The claimant must submit separate proof as STATE OF OREGON,)	through which a water right is claimed.)
County of Baker	88.	
Claude T. Dougherty		f Baker , Oregon,
being called as a witness in support of this S		
as follows:		
1. Q.—What is claimant's name and poincorporation and the authority by which you	ostoffice addr u make this	ress? If a corporation, give the place of proof.
A Claude T. Doughert	y, Baker	, Oregon.
2. Q.—Do you claim a right to the water	re of the abo	ment of atream on a tributum them to
1) from a tributary, give its name. Clai	m a right	t to a portion of the waters
A of Main Sutton Creek, 3. Q.—What is the nature of the right on is based?	r use on which	th this claim to the waters of said stream
*		
4. Q.—How was such right initiated, or	wer, mining, don	lestic.: stock. etc.)
AAppropriation, dive	rsion and	l beneficial use.
5. Q.—State the date of the initiation of	ion, diversion ar such water r	
6. Q.—What steps were taken by this	claimant or h	his predecessor in interest to initiate said
right? Answer fully, attaching separate shee by Palmer & Denham at a per A by Claimant, ditch we in interest in the year NW1, 4 acres in the SW1 of NW1 out of Sutton Creek at a point runs in a northerly direction to	t if necessar iod much as contin 1895 so a all in 12	y. This ditch was constructed earlier than time first used mued by claimant's predecessons to cover 15 acres in SET of 2-10-40, this ditch is taken
out of Sutton Creek at a point runs in a northerly direction to	in the Sh hrough la	of SE of Sec. 12-10-40 and inds of claimant
7. Q.—When was water first used for in		other beneficial purposes?
		ng the name by which the ditch is most
commonly known, if a ditch is used.	N N - O	
9. Q.—State the interest, claimant has	in such ditc	
A Claimant, is the owner	of that	portion of this ditch
A.— Claimant is the owner running through his lands, th	ne other	owners are Palmer & Denham.
17		

11. 12. or head	_	State State	the d	imens	rions	of the	e ditc	h as d	origin	ally c	onstr	ucted,	just	below	the r	vaste	
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lepth 13. nlarge	Q.— ment,	If sai	d ditc	h has nensio	fee s beer ons a	et; gro n enlo s enlo	ade, or arged, vrged.	r fall a , state	in fee e the	t per : date	1000 f of beg	eet, Jinnin	12 ng and	ind com	ches pletio	n of	feet. each
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 18.	Q.—(ive th	 ie nun	ıber d	of acr	es irr	igateo	l unde	er said	d ditc	h at tl	e pre	sent t	 ime ir	ı each	smal	 lest
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18. egal su re shou our an ubmit	Q.—(Construction) Q.—(Construc	live the five the p to this of you	ne nun lo-acro lat of s ques ur ow n in de	nber of the S stion n sho	of acr t), u State shoul	es irr sing t Engir ld con	igated the for ieer, a form infor separe	l unde llowir which to th	er said ig for you ose n	d ditch rm. may c naps, No pr	h at th (The exami unles	ne pre lands ne at s you vill be	sent t have the t	ime ir been ime o	r each surve f the the s vhich	smal eyed heart	lest and ing.
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^{20.} Q.—When does the irrigating season begin and when does it end, and if water is used for other nurnoses, during what months is it used?

	•
	Q.—When does the irrigating season begin and when does it end, and if water is used purposes, during what months is it used?
	A. March or A ril and ends in July.
lands wh is claime	Q.—What amount of water do you estimate is necessary for the proper irrigation of the sich you are irrigating or propose to irrigate, or for any other purpose for which a right of One miner's inch under six inch pressure to the acre or A.— a total of 19 miner's inches.
*22. location	Q.—Do you accept the maps prepared by the State Engineer as showing correctly the of said ditch and the lands irrigated therefrom?
**23. horsepou	A. I do as to location of ditch. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) ver developed.
24.	A.— Q.—Describe the nature of the works by which the power is to be developed, the place cated, and state whether the water is returned to the stream after use and at what point.
	A.—
25. and state	Q.—If for mining purposes, describe the location and character of the mines to be served whether after use the water is returned to the stream and at what point.
	A.—
26. between	Q.—If water is used for mining or power purposes, state whether there are any diversions the point of your diversion and the return of such water to the stream.
***27. fully app	A.—Q.—If the right claimed was initiated prior to February 24, 1909, but the water not yet olied, state whether such right was initiated by the construction of a new ditch or the cent of an existing ditch, and whether storage works are to be constructed.
	A.—
***28.	Q.—Give the length of such proposed ditch. A.—
***29.	Q.—What is the estimated cost of such proposed construction? A.—
***31. legal sub form. T	Q.—When are the works intended to be completed? A.—

				NE	1-4			NW	1-4			$\mathbf{s}\mathbf{w}$	1-4			SE	1-4	
Twp.	Range	Sec.	NE¾	NW¼	sw¼	SE¼	NE¾	NW¼	sw¼	SE¼	NE¼	NW¼	sw¼	SE¼	NE¼	NW¼	sw¼	SE¼
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***32. Q.—How many miles of ditch and what other construction work has been completed to
date? A.—
***33. Q.—State the cost of construction to date. A.—
34. Q.—What interest have you in the lands irrigated or place where the water is used?
A.— Owner in fee. 35. Q.—Name at least three witnesses who will substantiate the statements herein made by you. Give their postoffice addresses.
A. Viztor Nault, Baker, Oregon, and Napoleon Grenier, Baker
Oregon
36. Q.—What additional evidence have you attached hereto or submitted herewith?
A.—
(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc. I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.
bo. I. I & al. C.
Claude T. Daugherty Signature of Claimant, or agent making proof.
Subscribed and sworn to before me this day of day of , 1913
- James Hmilos
Superintendent of Water Division No
Filed:
· · · · · · · · · · · · · · · · · · ·
Fees paid:, \$
Superintendent, Water Division No, State of Oregon.
*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of
lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land
Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower, or 550 foot pounds per second). *Where a water right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not yet or only partially applied to beneficial use, a map of lands on the above scale should accompany this statement, or filed with the Division Superintendent within thirty days from date of proof, which maps should be drawn on uniform sheets of tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit
to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit of surveyor or engineer should be attached, with date. The surveys of the State Engineer will show only constructed works and lands now irrigated. Questions 26, 27, 28, 29, 30, 31, and 32 relate only to uncompleted rights.
AUTHORIZATION OF AGENT.
of,
State of, do hereby make and appoint
and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.
Cian at an at Claim and
Signature of Claimant.

REPARE WITE BATES AR AALITSAL AR TITE ATTEN AR AREAAL

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

the Matter of the Deter		1	
Rights to the Waters of		STATEMENT AND PROO	F OF CLAIMANT
	and its tributaries, a	Dougherty Ditch N	0 2 500
Tributary of Main		each ditch through which a water ri	
TATE OF OREGON.	ì		-
County of Baker,	88.		
Claude T. Doug	herty	of Baker	, Oregon,
eing called as a witness	in support of this State	ment of Claim, and being first	duly sworn, testified
s follows:			
	imant's name and posto uthority by which you m	ffice address? If a corporati ake this proof.	on, give the place of
A.— Claude	T. Dougherty, Ba	aker, Oregon.	
(If this proof is made by	you as agent or attorney, the elaimant upon	written authorization therefor mu the back hereof.)	st be signed by the
f from a tributary air	e its name. Claim a	of the above named stream or right to a portion tributary of Powder	of the waters
s based?		se on which this claim to the r	vaters of said stream
A.— Irriga		mining, domestic, stock, etc.)	
•	uch right initiated, or up		
	(Appropriation.	on and beneficial us	e •
5. Q.—State the de	ate of the initiation of suc	ch water right. A.—1887.	
ight? Answer fully, a rin Sutton Creek taken out A.— across for the of 12-10 on the continues.	ttaching separate sheet in the stream at a project of the stream at a project of the stream at a project of the main project of the side o	imant or his predecessor in in finecessary. Dirt and rother SET of NW 12-10-this this titch is divided by the SET of the SET of the SET of the Stream for the stream for the stream of the NW 12-1	ck dam constru 40 and ditch dwindzilumed 14 of the NW ing continued rrigation of
7. Q.—When was	water first used for irrig	gation, or other beneficial pu	rposes?
8. Q.—State the recommonly known, if a commonly kno		vater, giving the name by wi	rich the ditch is most
A.— By mean	ns of what is know	wn as Dougherty Ditc	ch No. 2.
9. Q.—State the cusers interested therein.		such ditch, with the names	of any other water
users inceresied increm			

	10.	•																
or	11. 0 12. 0 head g	$\hat{\mathbf{Q}}$.— St	ate th ate th	e date ie din	of co rensio	mplet ns of	tion. the	A.—.	188 as or	igina	lly coi	nstruc	ted, j	ust b	elow t	he wa	ste w	 vay
	A	A.— W	idth ((top).	18 :	inch	es		feet;	width	(bott	tom)	1	8 ir	ches	3	fe	et;
-	oth	Q.— If	said	ditch	has	been	enlar	ged,	fall in state	feet t the d	per 10 ate oj	000 fee f begi	et, .1. nning	8 ir and	comp	3letion	of ed	et. ich
	A	A.—.N	o en	larg	gemen	nts	exce	pt	thos	e 0	ccas	sior	ned '	bу с	lear	ning	out	•
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fee	et; dep	th				fe	et; gr	rade, e	or fal	l per	1000	feet, .					f	et.
		Second																
	et; depi 14. (Q.— St	ate th	ie are	ea of	land	which	h you	r ditc	h, as acres.	origi	inally	const	ructe	d, ıva	s inte	ended	to
	15. (QIf	wate	er is	used	for a	irriga	tion,	state	the r	ıumbe	er of	acres	recla	imed	and i	rriga	ted
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***32. Q.—How many miles of	ditch and what other construction work has been completed to
late? A.—	1. 1. 1. 1. 1. A
**33. Q.—State the cost of cor	istruction to date. A.—
	you in the lands irrigated or place where the water is used?
$gou. \ \ Give \ their \ postoffice \ address$	witnesses who will substantiate the statements herein made by ses.
A Victor Nault,	, Baker, Oregon; Napoleon Grenier, Baker, Orego
36. Q.—What additional evic	dence have you attached hereto or submitted herewith?
separate sheet of sheets. A corporation of the lands plete list of the persons owning the lands each smallest legal subdivision. Certified cattached to this proof and marked for idea in the lands of t	ufficient to properly answer any question, he should attach hereto said answer on a upplying water for irrigation to lands not its own, should attach to its proof a comso supplied, with the correct description of the lands owned by each such person in opies of records and such evidence as the claimant may desire to submit, should be ntification as Exhibit "A," "B," "C," etc. h that the foregoing statements and answers are true as I verily
believe.	and of the charter
·	Claude T. Doughesty Signature of Charmant, or fagent making proof.
Subscribed and sworn to before n	ne this 35 day of the ua, 1913
	- Due Strong
S	Superintendent of Water Division No. of State of Oreson. Notary Public for Oregon.
Filed:	, 191
Fees paid:	
•	Superintendent, Water Division No, State of Oregon.
*In case there is objection to the o the reasons therefor, and must, within the	fficial plat the parties objecting must, when giving proof, file a written statement of a little days, file with the Division Superintendent a map of said ditch and irrigated the proof of
which is irrigated.	the state of the s
vertheoretical norsepower equals to cubic foot per second falling 8.8 feet equa- vertheoretic equals to the second in the discourage of the second with the Division Superintendent within the tracing linen, on a scale of two inches to irrigate in each 40-acre tract, as well a for surveyor or engineer should be attached and lands now irrigated. Questions 26, 27,	tal quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one also one theoretical horsepower, or 550 foot pounds per second). Initiated prior to February 24, 1909, and the works are incomplete, or the water not initiated prior to February 24, 1909, and the works are incomplete, or the water not luse, a map of lands on the above scale should accompany this statement, or filed luse, a map of lands on the above scale should be drawn on uniform sheets of hirty days from date of proof, which maps should be drawn on uniform sheets of the mile (40 chains to one inch), and should show the area which it is proposed as main canals and general plans of all important structures to be built. The affidavit as main canals and general plans of all important structures to be built. The affidavit and with date. The surveys of the State Engineer will show only constructed works , 28, 29, 30, 31, and 32 relate only to uncompleted rights.
	UTHORIZATION OF AGENT.
	, of
State of	, do hereby make and appoint
State of	of , my agent
valid service may be made of a in the within entitled matter, a such contests as my true and law full power and authority to do the premises, as fully as I migh all my said agent shall lawfully	
	·
	Signature of Claimant.

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. 2, Bake	er Count y
In the Matter of the Determination of the Relative Rights to the Waters of Powder	
(The claimant must submit separate proof as to C $STATE\ OF\ OREGON.$	Palmer & Denham No. 1. Ditch. each ditch through which a water right is claimed.)
County of Baker	
	of Baker , Oregon,
being called as a witness in support of this State	ment of Claim, and being first duly sworn, testified
as follows:	
1. Q.—What is claimant's name and poston incorporation and the authority by which you me A.— Claude T. Dougherty,	- /
is based?	
A.—	
4. Q.—How was such right initiated, or up	on what is it based?
A.— Appropriation, diversi	on and beneficial use.
(Appropriation, c	diversion and use, etc.)
right? Answer fully, attaching separate sheet if Main Sutton Creek at a point of A. NE ¹ of SE ¹ of 12-10-40, decessors in interest of Palmer	mant or his predecessor in interest to initiate said necessary. This ditch is taken out of n the lands of Palmer & Denham in the the ditch was constructed by the pre- & Denham and was first constructed imants lands in 1884 and was at that a portion of the lands owned by
7. Q.—When was water first used for irrig	
commonly known, if a ditch is used.	ater, giving the name by which the ditch is most
A Palmer & Denham Ditch N	o. 1
9. Q.—State the interest claimant has in users interested therein.	such ditch, with the names of any other water
$_{ m A}$ Claimant is the owner o	f that portion of this ditch running
through the lands owned by hi	m, the remainder of said ditch is

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	ny miles of ditch and what other construction work has been completed to
ate? A.—	to to Justice A
**33. Q.—State the	e cost of construction to date. A.— terest have you in the lands irrigated or place where the water is used?
_	· · · · · · · · · · · · · · · · · · ·
35. Q.—Name at	least three witnesses who will substantiate the statements never made by
ou. Give their posts	office addresses. r Nault, Baker, Oregon. Napoleon Grenier, Baker, Oregon
36. Q.—What ad	lditional evidence have you attached hereto or submitted herewith?
A.—	
(If the witness finds separate sheet or sheets. Separate sheet or sheets. Separate sheet of the persons owe sach smallest legal subdivisuation and the separate of the sheet o	s the space insufficient to properly answer any question, he should attach hereto said answer on a corporation supplying water for irrigation to lands not its own, should attach to its proof a comparing the lands so supplied, with the correct description of the lands owned by each such person in sion. Certified copies of records and such evidence as the claimant may desire to submit, should be marked for identification as Exhibit "A." "B." "C." etc. ify upon oath that the foregoing statements and answers are true as I verily
elleve.	blande T. Doughesty Signature of Claimant, for agent making proof.
	Signature of Claimant, for agent making proof.
Subscribed and swor	n to before me this 35 day (au , 191.3
3,0000,0000	
	Superintendent of Water Division November of State of Oregon.
Filed:	Notary Public for Oregon.
Fees paid:	, \$ 5.65
to the mile (40 chains to which is irrigated. "Theoretical horse cubic foot per second fall "**Where a water yet or only partially apply with the Division Superint	Superintendent, Water Division No, State of Oregon. bjection to the official plat the parties objecting must, when giving proof, file a written statement of must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated reveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land power equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one ing 8.8 feet equals one theoretical horsepower, or 550 foot pounds per second). Tight has been initiated prior to February 24, 1909, and the works are incomplete, or the water not right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not right has been initiated prior to February 24, 1909, and should accompany this statement, or filed lied to beneficial use, a map of lands on the above scale should accompany this statement, or filed tendent within thirty days from date of proof, which maps should be drawn on uniform sheets of two inches to the mile (40 chains to one inch), and should show the area which it is proposed of two inches to the mile (40 chains to one inch), and should show the area which it is proposed of two inches to the mile (40 chains to one inch), and should show the area which it is proposed of two inches to the mile (40 chains to one inch), and should show the area which it is proposed of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to the tract, as well as main canals and general plans of all important structures to be built. The affidavit is the proposed
	AUTHORIZATION OF AGENT.
	of,
State of	do hereby make and appoint.
valid service may be in the within entitle such contests as my full power and authorized as full power as full pow	of, my agent and in my name, place and stead, to make and submit the within Statement and and I hereby designate said agent as the proper party upon whom lawful and be made of all process and notices in any contest commenced by or against me, led matter, and said agent is hereby duly authorized to appear in any and all true and lawful agent and attorney, giving and granting unto my said attorney hority to do and perform all and every act necessary and requisite to be done in lly as I might or could do if personally present, hereby ratifying and confirming shall lawfully do by virtue of this power.
	Signature of Claimant.

March 9th, 2001

I Randy Joseph have used the water on the land, deed #95 16 134, over the past five years in accordance with the terms and conditions of the certificate.

Randy Joseph

37123 Hansen Lane Baker City OR 97814

RECEIVED

MAR 1 9 2001

WATER RESOURCES DEPT SALEM, OREGON March 9th, 2001

I Linda Joseph have used the water on the land, deed #95 16 134, over the past five years in accordance with the terms and conditions of the certificate.

Linda Joseph

37123 Hansen Lane Baker City OR 97814

RECEIVED

MAR 1 9 2001 WAIEH RESOURCES DEPT. SALEM, OREGON 15 15 100

Grantors:

MELVIN L. COLLIS and SHIRLEY M. COLLIS

HCR 87 Box 774

Baker City, OR 97814

Grantees:

RANDY JOSEPH and LINDA JOSEPH

HCR 87 Box 800

Baker City, OR 97814

RECEIVED

MAR 1 9 2001

WATER RESOURCES DEFT.

Tax Statements to: RANDY JOSEPH and LINDA JOSEPH

Person authorized to receive this instrument after recording: RANDY JOSEPH and LINDA JOSEPH.

WARRANTY DEED

MELVIN L. COLLIS and SHIRLEY M. COLLIS, husband and wife, grantors, convey and warrant to RANDY JOSEPH and LINDA JOSEPH, husband and wife, grantees, the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT "A"

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or appertaining.

SUBJECT TO easements, rights-of-way of record or as the same are located thereon and reservation of minerals unto the State of Oregon, as reserved in an instrument recorded December 3, 1987, in Deed 87 49 005.

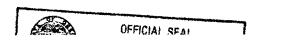
The true consideration for this conveyance is \$162,000.00

Mefmi Lolling	SHIRLEY M. COLLIS BY Shale, M. Collis ATTORNEY IN FACT ATTORNEY IN FACT
	ATTORNEY/IN-FACT

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of Baker) ss April /9 , 1995

The foregoing instrument was acknowledged before me by Melvin L. Collis and Shirley L. Collis by Melvin L. Collis as Attoreny-In-Fact. \mathcal{T}





RECEIVED

EXHIBIT "A" Page 1 of 2

MAR 1 9 2001

Land in Baker County, Oregon, as follows:

rge.;

WATER RESOURCES DEPT. SALEM, OREGON

In Twp. 10 S., R. 40 E., W.M.:

Sec. 1: All that portion of the SW\sW\ lying South of the Oregon Railway & Navigation Company right of way and East of the following described line: Beginning at a point S. 59°45'35" E., 1675.6 feet from the intersection of the East right of way line of the County Road with the South right of way line of the Oregon Railway & Navigation Company, in SE4SE4 of Sec. 2, said twp. and

> thence S. 36°14'50" W., 1540.40 feet to a point; thence N. 52°05'45" W., 151.23 feet to a point on the East right of way line of said County Road.

Sec. 11: All that portion of the Sane and the Sase lying East of the Easterly right of way line of the County Road.

All that portion of the NE%NE% lying Easterly of the Easterly right of way line of the County Road and Southeasterly of the following described line:

Beginning at a point S. 59°45'35" E., 1675.6 feet from the intersection of the East right of way line of the County Road with the South right of way line of the Oregon Railway & Navigation Company, in SEASEA of Sec. 2, said twp. and rge.;

thence S. 36°14'50" W., 1540.40 feet to a point; thence N. 52°05'45" W., 151.23 feet to a point on the East right of way line of said County Road.

All that portion of the NaSE& lying Easterly of the Easterly right of way line of the County

EXCEPTING THEREFROM the following: Commencing at a point N. 84°33'30" W., 1550.50 feet from the Northeast corner of the SEASEA, said point being on the East right of way line of the County Road;

thence S. 89°51' E., 582.33 feet;

thence N. 10°57' E., 693.65 feet;

thence N. 74°23' W., 609.72 feet, more or less, to intersect the East right of way line of the County Road;

thence Southerly along said East right of way line to the point of beginning.

RECEIVED

EXHIBIT "A"
Page 2 of 2

MAR 1 9 2001

WAIER RESOURCES DEPT. SALEM, OREGON

Sec. 12: S\nw\dagger, nw\daggers\dagger\dagger.

All that portion of the NENNW lying South of the Oregon Railway & Navigation Company right of way.

All that portion of the NWkNWk lying South of the Oregon Railway & Navigation Company right of way and Southeasterly of the following described line:

Beginning at a point S. 59°45'35" E., 1675.6 feet from the intersection of the East right of way line of the County Road with the South right of way line of the Oregon Railway & Navigation Company, in the SE\sE\sec. 2, said twp. and rge.;

thence S. 36°14'50" W., 1540.40 feet to a point; thence N. 52°05'45" W., 151.23 feet to a point on the East right of way line of the County Road.

201724

shot to ..

STATE OF OREGON, County of Baker, SS I certify that the within instrument was received for the record on the day of at 3:10 o'clock

Witness my hand and seal of County affixed.

lame



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

A. Applican					
Name: Rar	ndy & Linda Joseph	 			
Address: 3	7123 Hansen Lane		······································		
City:	Baker City State: C	OR Zip: 97	814 Day F	hone: 894	1-2347
Please providurented, con "conveyed" if use on tax lo for municipal	I Location de information as requested below veyed, or used. Check "diverted" water is conveyed (transported) of the More than one box may be checked, or irrigation uses within irrigation boundaries for the tax lot informated.	if water is divent tax lot, and tax lot, and tked. (Attach eation districts,	erted (taken) "used" if wat extra sheets a may substitu	from its source er will be put to as necessary.)	on tax lot beneficial Applicants
Tax Lot I.D.	Plan Designation (e.g. Rural Residenti	al/RR-5)	Water to be:	(check all that	apply)
10 40 2200			Diverted	Conveyed	Used
					~~~
			Diverted	 Conveyed 	 Used
	and cities where water is e diverted, conveyed, or used.		Diverted Diverted Baker Cou	Conveyed	• Used
C. Description indicate what for your water	ion of Water Use t the water will be used for. Includer right application) and use the sp	e the beneficia	Baker Cou	 Conveyed unty in the instruction 	Used The second secon
C. Descript Indicate what for your wate of the project	ion of Water Use t the water will be used for. Includer right application) and use the sp	e the beneficia ace below to	Baker Count use (found describe the	 Conveyed unty in the instruction 	Used The second secon
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additional forms as needed or feel free t	ed by a planning official from each cour In this case, only the city planning ago o copy.		
A. Allowed Use			
Check the appropriate box belo	w and provide requested inform	ation.	
	15		
allowed outright or a	ved by proposed water uses (incre not regulated by your compre; Go to se	ehensive plan.	Cite applicable
	ved by proposed water uses (included land use approvals as listed in		
ype of Land Use Approval Needed	Cite Most Significant, Applicable	Check th	e item that applies:
e.g. plan amendments, rezones, conditional use permits, etc.)	Plan Policies & Ordinance Section References	ļ	Use Approval:
		Obtained	Being pursued
		• •Denied	Not being pursued
		ObtainedDenied	Being pursued Not being pursued
		Obtained	Being pursued
		• •Denied	Not being pursued
		Obtained Denied	*Being pursued *Not being pursued
		vals which have	already been obtained.
Please provide printed name an	ing findings is sufficient.) Ind written signature.	vals which have Date: 3-	
Record of Action plus accompany B. Approval Please provide printed name an Name: Bar Bara Title: Light Signature: Dawa and	ing findings is sufficient.) Id written signature. Ham (E.y.		
Record of Action plus accompany B. Approval Please provide printed name and Name: Day Day a Title: Signature: Day Gua C. Additional Comments Local governments are invited to	ing findings is sufficient.) Ind written signature. Phone: Pauly express special land use cond	Date: 3- YI-53:	7-0/ 3-82/9 recommendations to
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Record of Action plus accompany B. Approval Please provide printed name and Name: Day Day a Title: Signature: Day Gua C. Additional Comments Local governments are invited to	ing findings is sufficient.) Ind written signature. Phone: Pauly express special land use cond	Date: 3- YI-53:	7-0/ 3-82/9 recommendations to sheet.

right is compatible with local comprehensive plans. (See attached letter.)



Tim Walters Assistant District Fish Biologist Grande Ronde Watershed District



FISH AND WILDLIFE

Northeast Region
107 20th Street
La Grande, Oregon 97850
(541) 963-2138 Ext. 22
Fax: (541) 963-6670
Timothy.R.Walters@state.or.us





Water Resources Department

Commerce Building 158 12th Street NE Salem, OR 97301-4172 (503) 378-3739 FAX (503) 378-8130

INTEROFFICE MEMO

DATE: 4-5-2001 FORWARD TO: \boxtimes WATERMASTER, DISTRICT # δ FROM: **GROUNDWATER SECTION** (SIGNATURE)_ WATER RIGHT TRANSFER # 8724 SUBJECT: A change in: POU POA USE of water. In the name(s) of Randy and Lunda Oseph In my opinion (assuming the right is valid), the proposed change MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water *The approval of this transfer application would result in injury to other water rights because____ The existing right may not be valid because Headgate notices **HAVE** HAVE NOT Been issued for diversion from the source(s)which serve(s) this right. If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works: (1) PRIOR to the diverting of water at the new point of diversion . . . _ (2) WHEN IN the judgement of the watermaster it becomes necessary . . . The enclosed copy of the transfer application and map(s) is for your records. Indude standard language see attached meno

INTEROFFICE MEMO WATERMASTER DISTRICT # 8

WATER RESOURCES DEPARTMENT

Phone: (541) 523-8224
Fax: (541) 523-7866
E-mail: Rick.M.LUSK@wrd.state.or.us

TO: TRANSFER FILE

DATE: April 5, 2001

FROM: RICK LUSK

SUBJECT: INJURY REVIEW T-8726

A change in POD/POU.

In the names of Randy and Linda Joseph.

In my opinion, assuming the right is valid, the proposed change MAY BE MADE WITHOUT INJURY to an existing water right.

There are intervening points of diversion between the authorized and proposed points of diversion.

I believe Transfer 8726 may be made without injury to other water rights provided the following conditions are met by the water user:

- 1. The quantity of water appropriated for irrigation at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.
- 2. Prior to using water, the water user shall install and maintain a headgate or other suitable controlling device, and 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 headgate and measuring device must be approved by the Watermaster prior to beginning construction and shall be installed under the general supervision of the Watermaster.
- 3. The water user shall operate and maintain the headgate and measuring device, as needed.

County: BAKER Transfer: 8726 Certificate: 4113

Priority Date: 1884/1887/1895

Name: RANDY & LINDA JOSEPH

Address: 37123 HANSEN LANE; BAKER CITY, OR 97814

Change: POD/POU Source: SUTTON (

Source: SUTTON CREEK
Authorized POD: T10S R40E 7,8,9,10,11,12

T10S R41E 10

Proposed POD: T10S R40E 12
Authorized POU: T10S R40E 12
Propposed POU: T10S R40E 1,12

TRANSFER CHECK OFF LI	ST		
TRANSFER FILE # DATE RECEIVED DATE MONEY SLIPPED DATE RECEIPTED VALID WATER RIGHT? TEMP ALT AC(Greg) I TEMP Div 15 (Bernie)	RR DIST(Gre	- ·	
LETTER FROM ATTORNEY	YES (PU	T INFO ON FRONT COVE	ER)NO
FOLDER FILLED OUT* INDEX CARD ENTERED IN DB TYPE BLACK BOOK RECORD MONEY/RECEIPT # CONTENTS MARKED COLOR CODED 4 COPIES MADE & STAMPED	Yes Yes	 _ (And color code) 	
CERTIFICATE MARKED CERTIFICATE COPIED PULL APPLICATIONS APP FOLDER MARKED FINAL PROOF MAP COPIED PERMIT MARKED PERMIT COPIED PERMIT MAP COPIED DECREE MARKED DECREE COPIED ADJUDICATION MAP COPIED			
ENTRIES CHECKED PUBLIC NOTICE DATE LETTER SENT		CHECKED BY(PREPARED & COPIED) Irrigation District	
COPY TO WM BLUE FORM TO WM COPY TO GW BLUE FORM TO GW COPY TO CWRE		Orange Perm Amend/Yello POA, APOA, or [SW TO GV	ow Temp/Grn Dist/Lav Alt Acr/pink hist
LETTER TO ODFW TRANSFER SENT TO:		ALL Surface water POU/US SW NCR SCR	SE (POD and APOD FISH SCREENS) ER

^{*}SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIPT # 43738 158 12TH ST. N.E. INVOICE #_ SALEM, OR 97310-0210 378-8455 / 378-8130 (FAX) APPLICATION RECEIVED FROM: PERMIT TRANSFER CASH: OTHER: (IDENTIFY) TOTAL REC'D 0417 WRD MISC CASH ACCT **ADJUDICATIONS** PUBLICATIONS / MAPS \$ OTHER: (IDENTIFY) OTHER: (IDENTIFY) **REDUCTION OF EXPENSE** CASH ACCT. | \$ PCA AND OBJECT CLASS 0427 WRD OPERATING ACCT **MISCELL ANEOUS** 0407 **COPY & TAPE FEES** RESEARCH FEES 0410 0408 MISC REVENUE: (IDENTIFY) **DEPOSIT LIAB. (IDENTIFY)** (New) TC162 **WATER RIGHTS: EXAM FEE** RECORD FEE 0201 SURFACE WATER 0202 0203 GROUND WATER 0204 TRANSFER \$ 400° 0206 0205 WELL CONSTRUCTION LICENSE FEE EXAM FEE WELL DRILL CONSTRUCTOR 0218 0219 LANDOWNER'S PERMIT 0220 OTHER (IDENTIFY) 0437 **WELL CONST. START FEE** CARD# 0211 WELL CONST START FEE MONITORING WELLS \$ CARD# 0210 (IDENTIFY) 0539 **LOTTERY PROCEEDS** | \$ 1302 LOTTERY PROCEEDS 0467 **HYDRO ACTIVITY** LIC NUMBER POWER LICENSE FEE (FW/WRD) 0233 HYDRO LICENSE FEE (FW/WRD) 0231

RECEIPT # 43738

HRDRO APPLICATION

DATED: 3-19-01

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal