

# T-8726

Randy and Linda Joseph  
 SS 37123 Hansen Lane  
Baker City, Oregon 97814  
 is in POU/POD  
 filed March 19, 2001  
 of hearing \_\_\_\_\_  
 of hearing \_\_\_\_\_  
 of order \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_  
 for application of water \_\_\_\_\_  
 mailed \_\_\_\_\_  
 received \_\_\_\_\_  
 icate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

### DESCRIPTION OF WATER RIGHT

Name of stream Sutton Creek  
 Trib. of Powder River County of Baker  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority 1984/1987/1995  
 In name of Claude T. Dougherty  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. \_\_\_\_\_ Per. No. D4113 Cert. No. 4113  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>3-19-01</u>	<u>400<sup>00</sup></u>	<u>413738</u>
TOTAL . . .		
	Cert. Fee	

### FEES REFUNDED

Date	Amount	Check No.

### REMARKS

ID / Leland L Myers, CORE  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



### 3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: Claude T. Dougherty

Decree: D 4113  
 Not applicable

Permit Number: D 4113 Certificate Number: 4113  
 Not applicable  Not applicable

Priority Date: 1884(1), 1887(2) & 1895(3) Authorized Use: Irrigation

Source of Water: Sutton Creek County: Baker

Are there other sources listed on the water right? Yes  No

**Location of Authorized Point of Diversion or Point of Appropriation:**

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
Palmer Denham Ditches 1 - 2	NWSW - NENW	7 - 12	10S - 10S	40E - 41E
Dougherty Ditch 2	SESE	12	10S	40E

**Location of Authorized Place of Use:**

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	6.0
				NWNW		13.0
				SWNW		4.0
				SENW		15.0
				SENW		8.0
				SENW		5.0

Are there other lands described in the water right? Yes  No

Are there other water rights or permits associated with this land? Yes  No   
 If yes, include a copy of all rights or permits.

1895 / 1887 / 1884  
19, 21, 11

Description of general delivery system (*ditch measurements, pump size, number of sprinklers, etc.*):

The old system used three ditches out of Sutton Creek which are  
being abandoned to pump from the creek. The pumps are 2 - 20  
Horsepower motors on 3" centrifugal pumps delivering water to three  
4" wheel line that are 1000 feet long with 25 sprinkler heads each  
with 9/64" nozzles and some hand lines.

System capacity (in cfs): 1.28

T-8726

4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use:

Proposed use: \_\_\_\_\_ C-4113

Change in Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional

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 corner)	1/4 1/4 Section	Section	Township	Range
1430'S & 745'W from N1/4 corner	SE	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)
10S	40E	1		SWSW	10 40 2200	1887 (2) 3.0
		12		NENW		1887 (2) 0.3
				NWNW		1887 (2) 10.4
				SWNW		1887 (1) 3.2 (2) 5.9
				SESW		1887 (1) 7.8 (2) 1.4
						& (3) 19.0

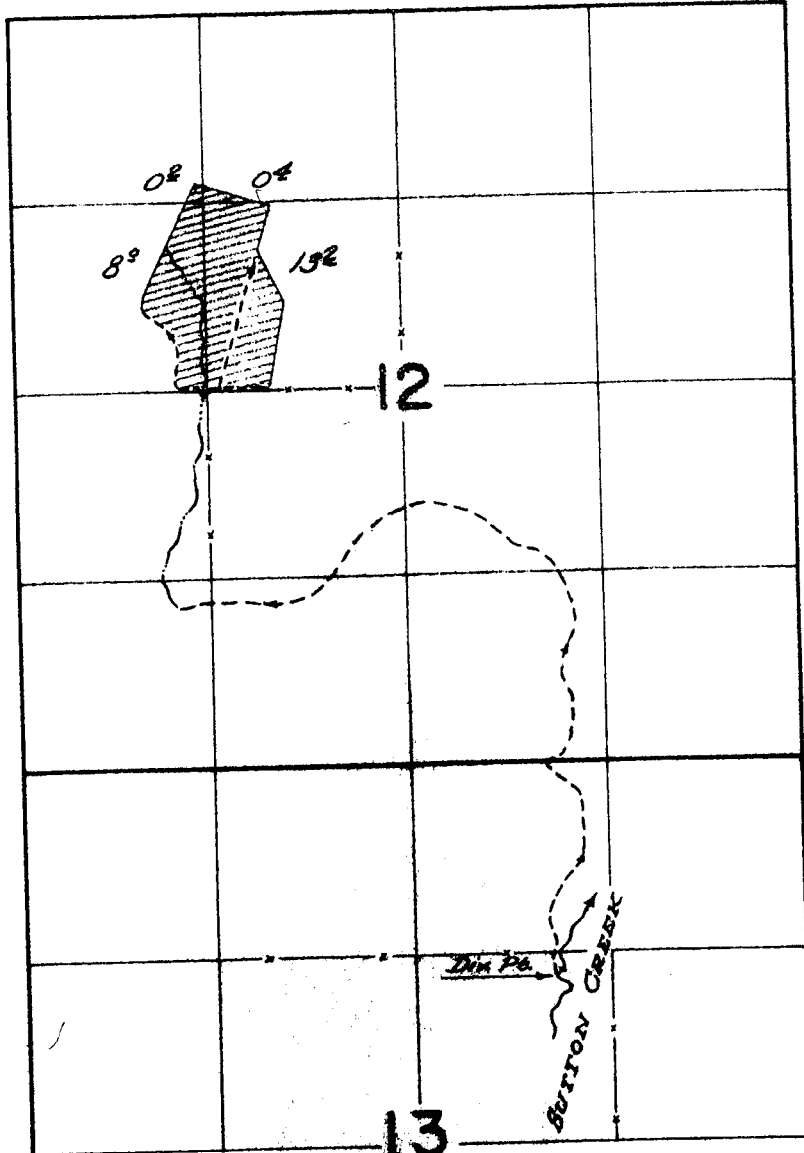
Remarks: 0.28 cfs has a priority date of 1884(1), 0.52 cfs has a priority date of 1887(2) and 0.48 cfs has a priority date of 1895(3). The original area of use is unmapped so the Transfer From Map makes a best guess estimate as to the original place of use.

RECEIVED

MAR 19 2001

WATER RESOURCES DEPT  
SALEM, OREGON

# T.10S. R.40E. W.M.



## FINAL PROOF SURVEY UNDER

Application No. 28203. Permit No. 22191  
IN NAME OF

LAURENCE X. CARROLL

Surveyed Sept. 12 1960. by L. D. Castle

### 3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: Lawrence X. Carroll

Decree: \_\_\_\_\_  
 Not applicable

Permit Number: 22191 Certificate Number: 28529  
 Not applicable  Not applicable

Priority Date: March 13, 1953 Authorized Use: Irrigation

Source of Water: Sutton Creek County: Baker

Are there other sources listed on the water right? • Yes  No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1460'S & 960'E from N1/4 corner	SWNE	13	10S	40E

Location of Authorized Place of Use:

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		13 <sup>2</sup> 12.0 ✓
						21 <sup>8</sup> (Remaining)

Are there other lands described in the water right? • Yes  No

Are there other water rights or permits associated with this land? • Yes  No  
 If yes, include a copy of all rights or permits.

Description of general delivery system (*ditch measurements, pump size, number of sprinklers, etc.*):  
Originally was a ditch system with flood irrigation. Combining four  
PODs into one with pumping from a sump and using sprinklers. See  
Part 1.

System capacity (in cfs): 0.52

4. PROPOSED CHANGES TO THE WATER RIGHT

• Change in Use:

Proposed use: \_\_\_\_\_ C-28529

Change in Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

• Additional

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 corner)	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)
10S	40E	12		NENW	10 40 2200	7.6 ✓
				NWNW		2 <sup>6</sup> 1.8 ✓
				SWNW		7 <sup>8</sup> 7.4 ✓
				SENW		3.8 ✓
						21 <sup>8</sup>

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 19 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

T-8726

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):  
Baker 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.

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. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

[Signature]                      RANDY JOSEPH                      3-13-01  
applicant signature                      name (print)                      date

[Signature]                      LINDA JOSEPH                      3-13-01  
applicant signature                      name (print)                      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

MAR 19 2001

WATER RESOURCES DEPT.  
SALEM, OREGON



STATE OF OREGON  
COUNTY OF Baker  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **LAWRENCE X. CARROLL**  
of **c/o Parrish Bros. Const. Co.** **Benicia**, State of **California**, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
**Sutton Creek** for the purpose of  
a tributary of **Powder River**  
irrigation of **21.8 acres**

under Permit No. **22191** 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 **SW 1/4 NE 1/4, 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 **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 1/2 acre feet per acre** for each acre 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:

0.4 acres NE 1/4 NW 1/4 - 0 4  
0.2 acres NW 1/4 NW 1/4 - 0 2  
8.0 acres SW 1/4 NW 1/4 - 8 0  
13.2 acres SE 1/4 NW 1/4 = 13 2  
Section 12  
T. 10 S., R. 40 E., W.M.

4  
0  
2  
8  
0  
13  
2

0 Remaining

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  
this date. APRIL 28 1961

LEWIS A. STANLEY  
State Engineer

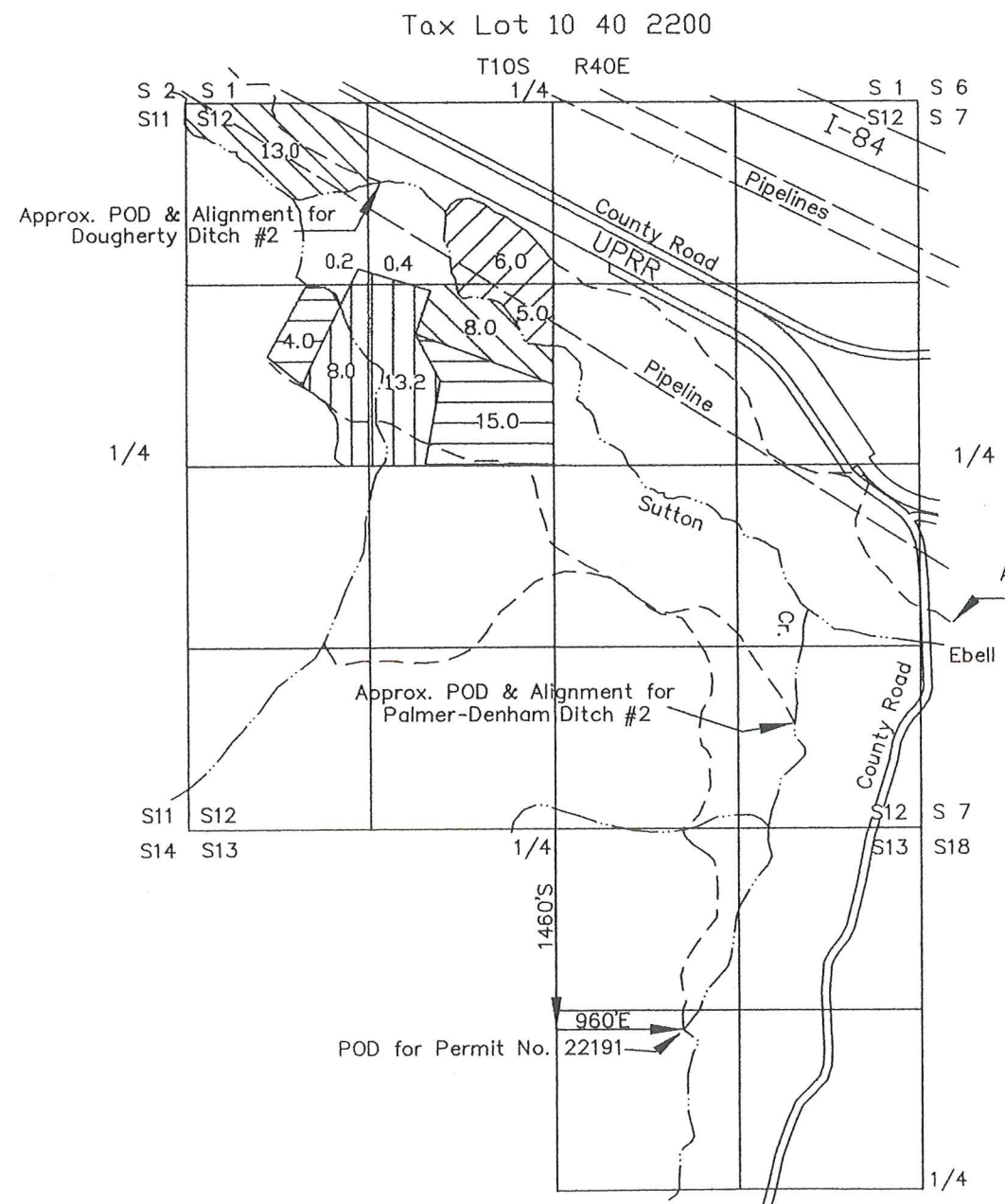
# WATER RIGHTS TRANSFER APPLICATION MAP



Scale 1" = 1320'

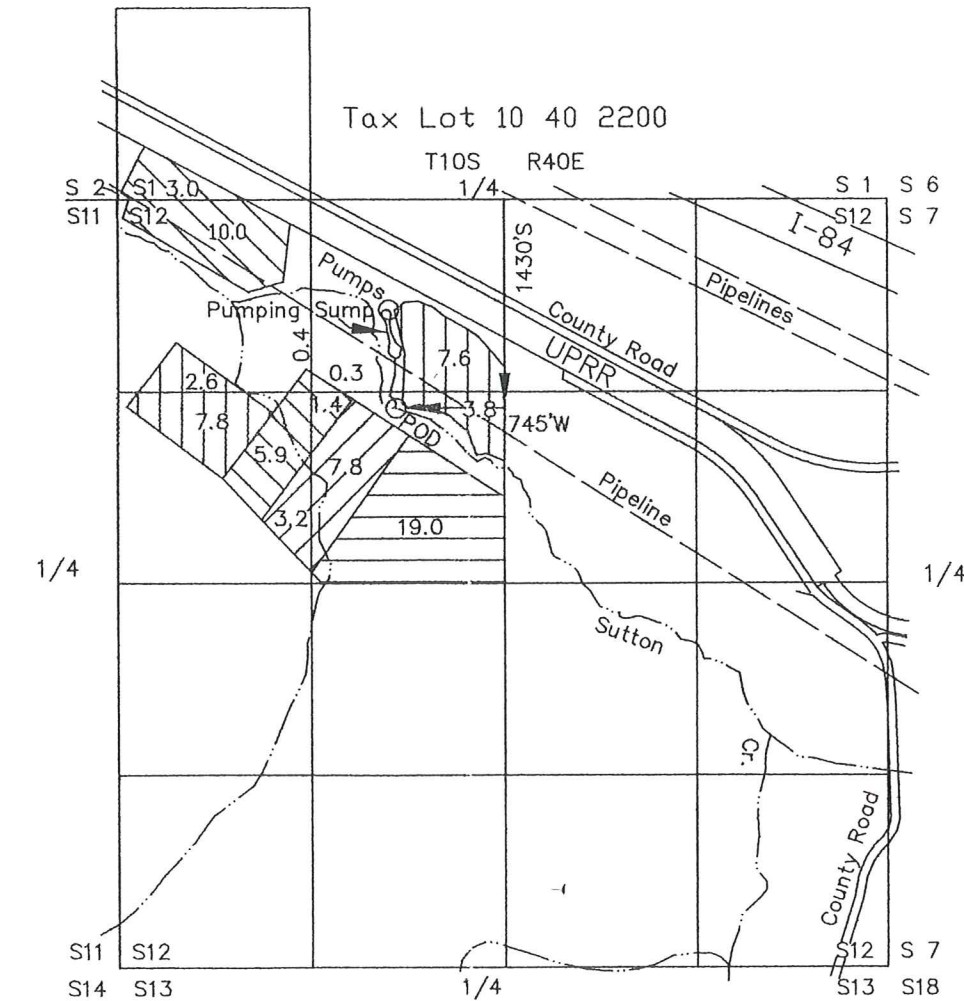
Applicant: Randy & Linda Joseph  
37123 Hansen Lane  
Baker City, OR 97814

## TRANSFER FROM



- 1884  
Permit No. D 4113
- 1887  
Permit No. D 4113
- 1895  
Permit No. D 4113
- 1953  
Permit No. 22191

## TRANSFER TO



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.

STATE OF OREGON

COUNTY OF BAKER

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

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 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:

<u>1884</u>		<u>1887</u>	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	13.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.0 ACRES	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 ACRES

1895  
SW $\frac{1}{4}$  NW $\frac{1}{4}$         4.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$         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 $\frac{1}{4}$  NE $\frac{1}{4}$ , 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.

7

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 $\frac{1}{4}$  SW $\frac{1}{4}$  3.0 ACRES

SECTION 1

NE $\frac{1}{4}$  NW $\frac{1}{4}$  0.3 ACRE

NW $\frac{1}{4}$  NW $\frac{1}{4}$  10.4 ACRES

SW $\frac{1}{4}$  NW $\frac{1}{4}$  5.9 ACRES

SE $\frac{1}{4}$  NW $\frac{1}{4}$  1.4 ACRES

SECTION 12

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

1895

SE $\frac{1}{4}$  NW $\frac{1}{4}$  19.0 ACRES

SECTION 12

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

**CERTIFICATE 28529**

NE $\frac{1}{4}$  NW $\frac{1}{4}$  7.6 ACRES

NW $\frac{1}{4}$  NW $\frac{1}{4}$  2.6 ACRES

SW $\frac{1}{4}$  NW $\frac{1}{4}$  7.8 ACRES

SE $\frac{1}{4}$  NW $\frac{1}{4}$  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 $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 12, T 10 S, R 40 E, W.M.; 1430 FEET SOUTH AND 745 FEET WEST FROM THE N $\frac{1}{4}$  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



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That CLAUDE T. DOUGHERTY

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

the waters of Sutton Creek, tributary of Powder River

for the purpose of the irrigation of 51 acres of land

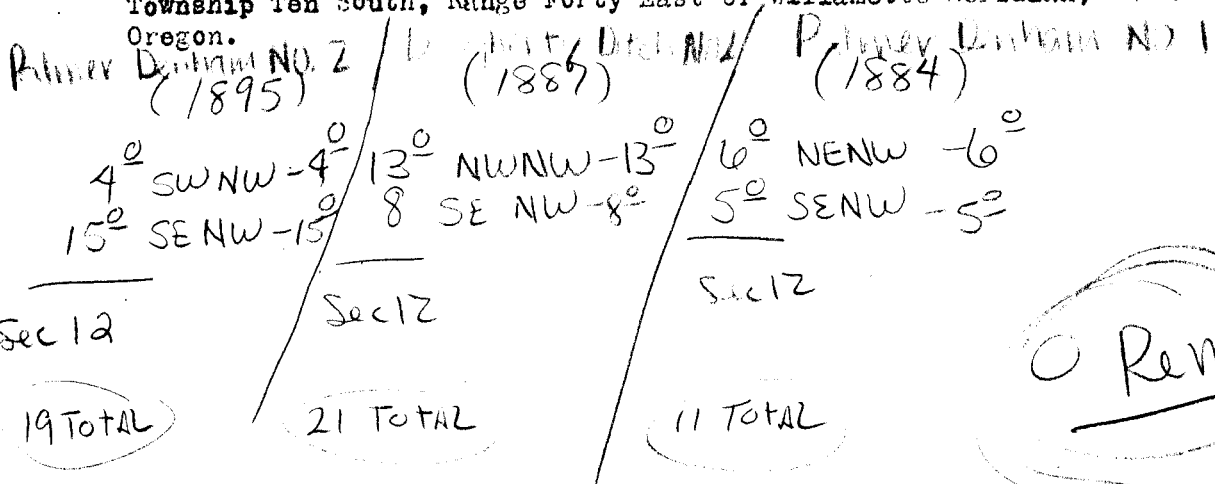
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1895 for 19 acres; 1887 for 21 acres and 1884 for 11 acres

See Proof of Claim for POD INFO.

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

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: 4 acres in the Southwest quarter of Northwest quarter and 15 acres in the Southeast quarter of Northwest quarter of Section Twelve; 13 acres in the Northwest quarter of Northwest quarter and 8 acres in the Southeast quarter of Northwest quarter of Section Twelve; 6 acres in the Northeast quarter of Northwest quarter and 5 acres in the Southeast quarter of Northwest quarter of Section Twelve, Township Ten South, Range Forty East of Willamette Meridian, in Baker County, Oregon.

V  
R



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

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

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER State Engineer, President

Attest:

R. W. POTTER Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4113

T-8726 DPou/POD



# Oregon

John A. Kitzhaber, M.D., Governor

## 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 only 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,

*Sarah Henderson*

*for* BERNADETTE WILLIAMS  
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

F 8726



State of Oregon  
Water Resources Department  
158 12th Street NE, Salem, OR 97310  
(503)378-8455 • (800)624-3199  
www.wrd.state.or.us

# 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 Right Transfer       Temporary Transfer       Permit Amendment

Historic Point of Diversion Change       Government Action Point of Diversion

## 1. APPLICANT INFORMATION

Name: Randy & Linda Joseph  
First Last

Address: 37123 Hansen Lane  
Baker City OR 97814  
City State Zip

Phone: 541 894-2347  
Home Work Other

\*Fax: 541-894-2347 \*E-Mail address: millwork@eoni.com

\*Optional information

## 2. TYPE OF CHANGE

Use       Place of Use       Point of Diversion       Point of Appropriation

Reason for change: Changing from flood irrigation to wheel lines and pumping from the creek rather than using ditches.

Is the land within an irrigation or other water district?    Yes     No

If yes, include district name: \_\_\_\_\_

**RECEIVED**

**MAR 19 2001**

WATER RESOURCES DEPT  
SALEM, OREGON

For Department Use		
App. No. _____	Permit No. _____	Date _____

T-8726

4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use:

Proposed use: \_\_\_\_\_

Change in Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional

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 corner)	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)
10S	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 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 19 2001

WATER RESOURCES DEPT  
SALEM, OREGON

4. PROPOSED CHANGES TO THE WATER RIGHT

• Change in Use:

Proposed use: \_\_\_\_\_

✓ Change in Point of Diversion or Point of Appropriation:

✓ Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

• Additional

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 corner)	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)
10S	40E	12		NENW	10 40 2200	7.6
				NWNW		1.8
				SWNW		7.4
				SENW		3.8

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 19 2001**

WATER RESOURCES DEPT  
 SALEM, OREGON

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):

Baker 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.

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. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

[Handwritten signature of Randy Joseph]

applicant signature

RANDY JOSEPH

name (print)

3-13-01

date

[Handwritten signature of Linda Joseph]

applicant signature

LINDA JOSEPH

name (print)

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

MAR 19 2001

WATER RESOURCES DEPT. SALEM, OREGON

F 8726



State of Oregon  
Water Resources Department  
158 12th Street NE, Salem, OR 97310  
(503)378-8455 • (800)624-3199  
www.wrd.state.or.us

# 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 Right Transfer       Temporary Transfer       Permit Amendment

Historic Point of Diversion Change       Government Action Point of Diversion

## 1. APPLICANT INFORMATION

Name: Randy & Linda Joseph  
First Last

Address: 37123 Hansen Lane  
Baker City OR 97814  
City State Zip

Phone: 541 894-2347  
Home Work Other

\*Fax: 541-894-2347 \*E-Mail address: millwork@conl.com

*\*Optional information*

## 2. TYPE OF CHANGE

Use       Place of Use       Point of Diversion       Point of Appropriation

Reason for change: Changing from flood irrigation to wheel lines and pumping from the creek rather than using ditches.

Is the land within an irrigation or other water district? Yes  No

If yes, include district name: \_\_\_\_\_ **MAR 19 2001**

**RECEIVED**  
WATER RESOURCES DEPT.  
SALEM, OREGON

For Department Use		
App. No. _____	Permit No. _____	Date _____



### 3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: Claude T. Dougherty

Decree: D 4113  
 Not applicable

Permit Number: D 4113 Certificate Number: 4113  
 Not applicable  Not applicable

Priority Date: 1884(1), 1887(2) & 1895(3) Authorized Use: Irrigation

Source of Water: Sutton Creek County: Baker

Are there other sources listed on the water right? Yes  No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
Palmer Denham Ditches 1 - 2	NWSW - NENW	7 - 12	10S - 10S	40E - 41E
Dougherty Ditch 2	SESE	12	10S	40E

Location of Authorized Place of Use:

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	6.0
				NWNW		13.0
				SWNW		4.0
				SENW		15.0
				SENW		8.0
				SENW		5.0

Are there other lands described in the water right? Yes  No

Are there other water rights or permits associated with this land? Yes  No   
 If yes, include a copy of all rights or permits.

Description of general delivery system (*ditch measurements, pump size, number of sprinklers, etc.*):

The old system used three ditches out of Sutton Creek which are  
being abandoned to pump from the creek. The pumps are 2 - 20  
Horsepower motors on 3" centrifugal pumps delivering water to three  
4" wheel line that are 1000 feet long with 25 sprinkler heads each  
with 9/64" nozzles and some hand lines.

System capacity (in cfs): 1.28

T-8726

### 4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use:

Proposed use: \_\_\_\_\_

Change in Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional

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 corner)	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)
10S	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 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 19 2001**

**WATER RESOURCES DEPT  
SALEM, OREGON**

### 3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: Lawrence X. Carroll

Decree: \_\_\_\_\_  
 Not applicable

Permit Number: 22191 Certificate Number: 28529  
 Not applicable  Not applicable

Priority Date: March 13, 1953 Authorized Use: Irrigation

Source of Water: Sutton Creek County: Baker

Are there other sources listed on the water right?  Yes  No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1460'S & 960'E from N1/4 corner	SWNE	13	10S	40E

Location of Authorized Place of Use:

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		<del>13.2420</del>

Are there other lands described in the water right?  Yes  No

Are there other water rights or permits associated with this land?  Yes  No  
 If yes, include a copy of all rights or permits.

Description of general delivery system (*ditch measurements, pump size, number of sprinklers, etc.*):

Originally was a ditch system with flood irrigation. Combining four  
PODs into one with pumping from a sump and using sprinklers. See  
Part 1.

System capacity (in cfs): 0.52

4. PROPOSED CHANGES TO THE WATER RIGHT

• Change in Use:

Proposed use: \_\_\_\_\_

✓ Change in Point of Diversion or Point of Appropriation:

✓ Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

• Additional

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 corner)	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)
10S	40E	12		NENW	10 40 2200	7.6
				NWNW		2.578 <sup>2.2m</sup>
				SWNW		7.874 <sup>2.04</sup>
				SENW		3.8

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 19 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

5. LAND OWNERSHIP

Answer only if for change in Use or Place of Use.

Use/Place of Use \_\_\_\_\_

Are the lands free of encumbrances?  Yes  No

If no, name of encumbrance holder: \_\_\_\_\_

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only if applicant is not the landowner.

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.*

Landowners: \_\_\_\_\_  
(List all landowners shown on deed.)

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.

Answer only if the receiving landowner is not the original landowner or the applicant.

Receiving Landowner \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ City State Zip

The Department's records should be changed to show this landowner 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.

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):  
Baker 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.*

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. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

*Randy Joseph*      RANDY JOSEPH      3-13-01  
applicant signature      name (print)      date

*Linda Joseph*      LINDA JOSEPH      3-13-01  
applicant signature      name (print)      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

MAR 19 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

JAMES A ATTAWAY  
of BOX 11 PLEASANT VLLY RT BAKER OR 97814  
has a right to the use of the waters of A SUMP in the  
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	TOWNSHIP	RANGE,	WM
supplemental	10.70	SE	SE	2	10	S	40 E
supplemental	1.30	NE	NE	11	10	S	40 E
supplemental	0.50	SW	SW	1	10	S	40 E
Total:	12.50	supplemental 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

STATE OF OREGON  
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



STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

JAMES A ATTAWAY  
of BX 11 PLEASANT VALLEY RT BAKER OR 97814  
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	TOWNSHIP	RANGE,	WM
primary	10.70	SE	SE	2	10 S	40 E	
primary	0.50	SW	SW	1	10 S	40 E	
primary	1.30	NE	NE	11	10 S	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*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
G 8727 4/10/1978	G 8095	56807														0.500 IR (s)						
G 8823 5/24/1978	G 8188	58862														15.500 IR						
S 52516 10/17/1974	S 39638	56878														0.500 IR						
S 60545 8/27/1980	S 45116		Cncl													RW Cncl	RW Cncl					
S 60971 11/7/1980	S 45272		Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	IM Cncl	

Go to 10S, 40E, 1 page: 1

Go to Section: 1 12

Return to Plat Card Search Page.

**NOTE: Please read the disclaimer 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*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
12/31/1895	D 4113 *	4113 -								4.000 IR	15.000 IR											
12/31/1887	D 4113 *	4113 -							13.000 IR		8.000 IR											
12/31/1884	D 4113 *	4113 -						6.000 IR			5.000 IR											
	D 4394 *	4394 -	Cncl'd			23.000 IR Cncl'd										19.000 IR Cncl'd	23.000 IR Cncl'd		35.600 IR Cncl'd			
12/31/1906	D 4394 *	73582 -				23.000 IR (s)										19.000 IR (s)	23.000 IR (s)		35.600 IR (s)			
12/31/1873	D 4394 *	73582 -				23.000 IR										19.000 IR	23.000 IR		35.600 IR			
G 8823 5/24/1978	G 8188	58862 -							0.100 IR													
S 28203 3/13/1953	S 22191	28529 -						0.400 IR	0.200 IR	8.000 IR	13.200 IR											
S 60545 8/27/1980	S 45116		Cncl'd	RW Cncl'd	RW Cncl'd																	
S 60971 11/7/1980	S 45272		Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd	IM Cncl'd		

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

Go to Section: 1 12

Return to Plat Card Search Page.

**NOTE: Please read the disclaimer 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*

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
P 82741																					
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 disclaimer before using this information.**

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

T-8726

RECEIVED

MAR 19 2001

WATER RESOURCES DEPT  
SALEM, OREGON

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

# WATER RIGHTS TRANSFER APPLICATION MAP

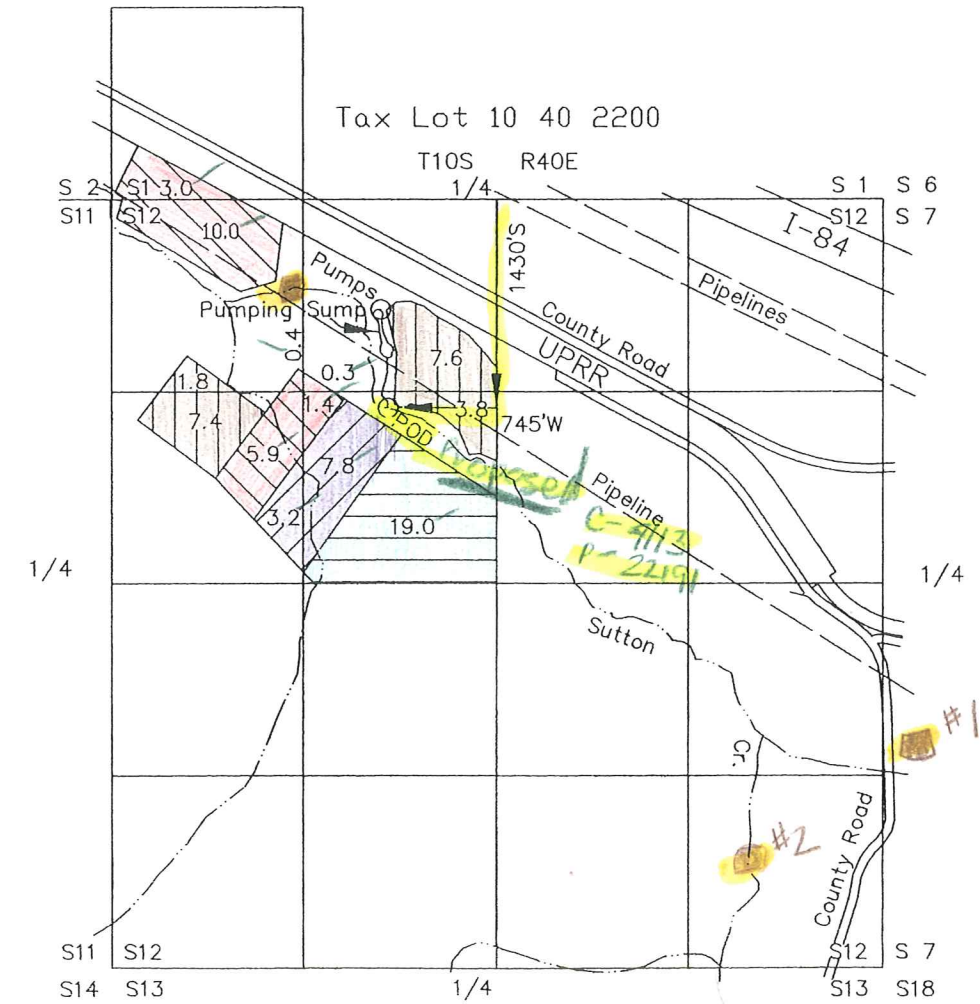
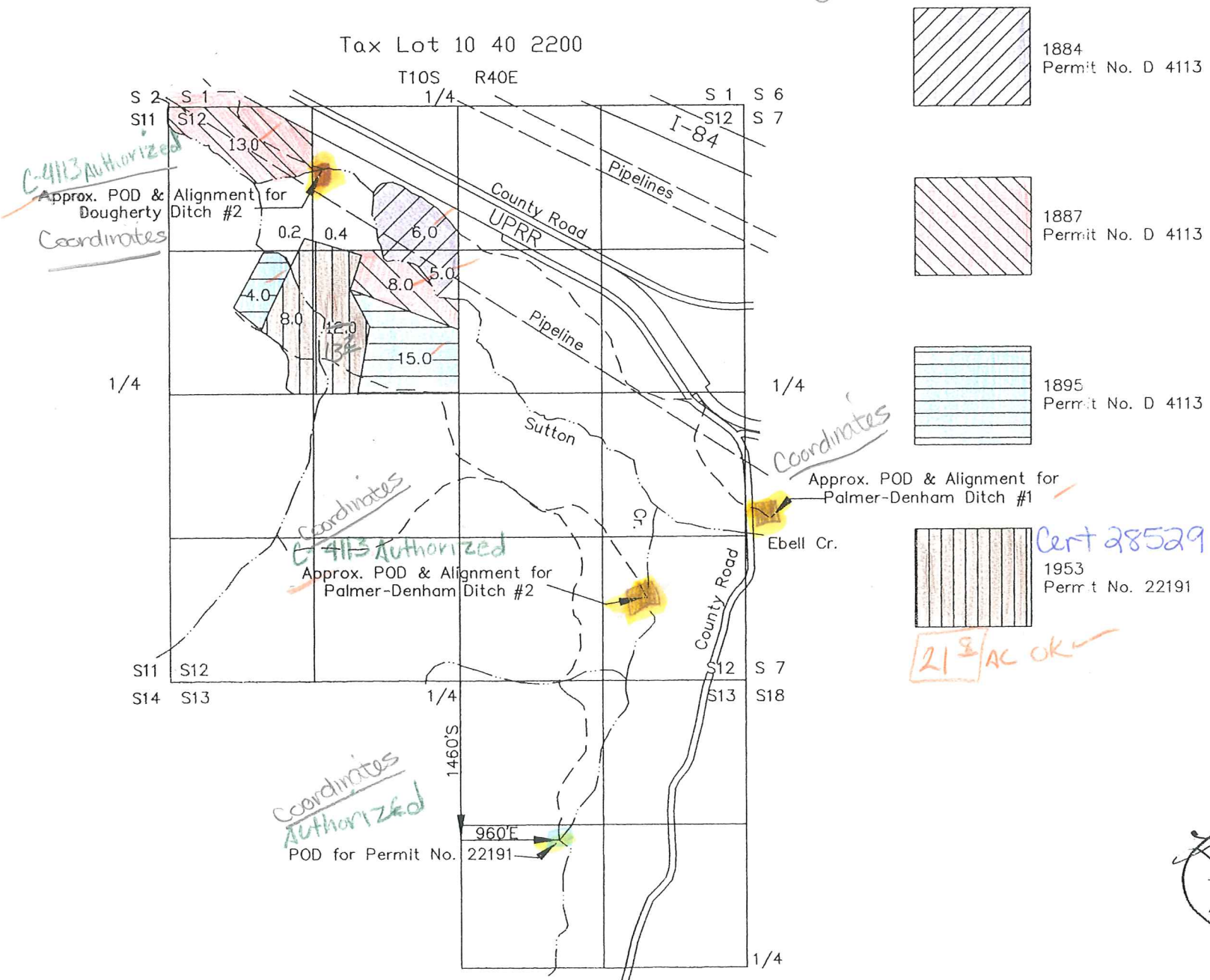


Scale 1" = 1320'

*OLD COPY*

TRANSFER FROM

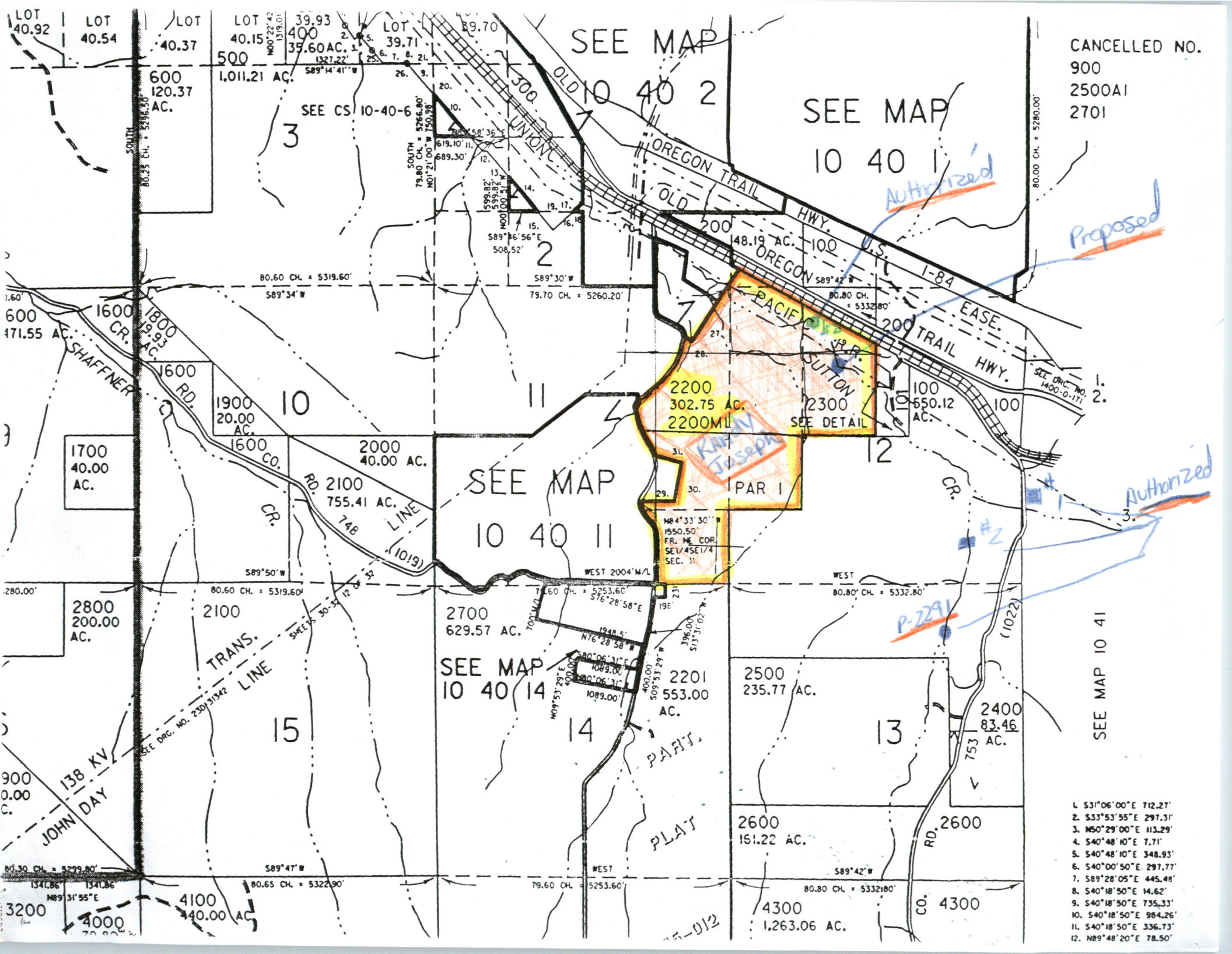
TRANSFER TO



COPY



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.



CANCELLED NO.  
 900  
 2500A1  
 2701

SEE MAP  
 10 40 2

SEE MAP  
 10 40 1

SEE MAP  
 10 40 11

SEE MAP  
 10 40 14

SEE MAP 10 41

- 1. S31°06'00"E 712.27'
- 2. S33°53'55"E 297.31'
- 3. N50°29'00"E 113.29'
- 4. S40°48'10"E 7.71'
- 5. S40°48'10"E 348.93'
- 6. S40°00'50"E 297.77'
- 7. S89°28'05"E 445.48'
- 8. S40°18'50"E 14.62'
- 9. S40°18'50"E 735.33'
- 10. S40°18'50"E 984.26'
- 11. S40°18'50"E 336.73'
- 12. N89°48'20"E 78.50'

*Authorized*

*Proposed*

*Authorized*

*P-2291*

*5-012*

*PLAT*

*KNOWLEDGE*

2200  
 302.75 AC.  
 2200ML  
 SEE DETAIL

2201  
 553.00 AC.

2201  
 PART.

2500  
 235.77 AC.

2600  
 151.22 AC.

4300  
 1,263.06 AC.

2400  
 83.46 AC.

RD. 2600

CO. 4300

NR 4°33'30"  
 FR. NE COR.  
 SE 1/4 SE 1/4  
 SEC. 11

2300  
 SEE DETAIL

2200  
 302.75 AC.

2700  
 629.57 AC.

2100  
 755.41 AC.

2000  
 40.00 AC.

1900  
 20.00 AC.

1800  
 19.93 AC.

1700  
 40.00 AC.

1600  
 120.37 AC.

1500  
 1,011.21 AC.

1400  
 39.60 AC.

1300  
 39.93 AC.

WEST 2004' M/L

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 2004' M/L

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 2004' M/L

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

WEST 80.80' CH. = 5332.80'

4/17/02

12:40

ASSESSMENT SEARCH

UZ  
A10200

NAME

MAP

10S40 2300

YR 2002 X/EM-NUMBER

CODE

CLASS

A A=Active, D=Deleted, Blank=Both

RR	REF#	NAME	MAP#	CODE	CLS
R	8277	5 MARSH, KELSEY J	10S4000	1800	507 550
R	8277	6 MARSH, SHANNON M	10S4000	1800	507 550
R	15714	1 MARSH, VINCENT L & JUDY A ETAL	10S4000	1900	507 550
R	15714	3 MARSH, BRANDY	10S4000	1900	507 550
R	15714	4 ADLER, BARBARA A	10S4000	1900	507 550
R	15714	5 MARSH, KELSEY J	10S4000	1900	507 550
R	15714	6 MARSH, SHANNON M	10S4000	1900	507 550
R	8287	1 BAKER VALLEY ENTERPRISES, INC	10S4000	2000	507 550
R	8286	1 MARSH, VINCENT L & JUDY A ETAL	10S4000	2100	507 550
R	8286	3 MARSH, BRANDY	10S4000	2100	507 550
R	8286	4 ADLER, BARBARA A	10S4000	2100	507 550
R	8286	5 MARSH, KELSEY J	10S4000	2100	507 550
R	8286	6 MARSH, SHANNON M	10S4000	2100	507 550
R	8275	1 JOSEPH, RANDY & LINDA	10S4000	2200	507 551
R	16440	1 HILL, LAMAR & ERNESTINE	10S4000	2201	525 551
R	16440	2 GRANT, ROBERT L & SUSAN M CP*	10S4000	2201	525 551
R	8270	1 STEELE, MARK J & KATHLEEN	10S4000	2300	507 551

Enter Ref# for Master

7-EOJ 8-CLR

19-MENU

4/17/02

12:38

ASSESSMENT SEARCH

UZ  
A10200

NAME JOSEPH YR 2002 X/EM-NUMBER  
MAP

A A=Active, D=Deleted, Blank=Both

RR	REF#	NAME	MAP#	CODE	CLASS	CODE	CLS
R	3863	1 JOSEPH, BRENT M & MILDRED E	09S4020DB	3200		501	101
R	16887	1 JOSEPH, BRENT M & MILDRED E	09S4020DB	3501		501	100
R	4297	1 JOSEPH, DOROTHY	09S4021BB	3300		501	701
R	4894	1 JOSEPH, DOROTHY & RANDY	09S3728CD	200		503	400
R	13268	1 JOSEPH, JAY H RANCHES INC	08S4600	700		6106	550
R	13269	1 JOSEPH, JAY H RANCHES INC	08S4600	800		6106	551
R	13357	1 JOSEPH, JAY H RANCHES INC	08S4611	100		6106	551
R	11911	1 JOSEPH, KEITH	06S4527DC	1900		6103	800
R	6437	1 JOSEPH, LINDA G	10S3829B	100		513	559
R	3864	1 JOSEPH, MARGARET ELAINE	09S4020DB	3000		501	109
R	10445	1 JOSEPH, MELISSA DAVIS	06S4000	300		2503	550
R	17238	1 JOSEPH, PAUL & LINDA	08S4700	2101		6104	550
R	17239	1 JOSEPH, PAUL & LINDA	08S4700	2102		6104	550
R	11912	1 JOSEPH, PAUL E & LINDA L	06S4527DC	2000		6103	800
R	13639	1 JOSEPH, PAUL E & LINDA L	06S4527DC	2100		6103	800
R	13332	2 JOSEPH, PAUL E & LINDA L CP*	08S4600	1300		6106	551
R	6435	1 JOSEPH, RANDY & LINDA	10S3800	2100		513	551

Enter Ref# for Master

7-EOJ 8-CLR

19-MENU



4/17/02

12:38

ASSESSMENT SEARCH

UZ  
A10200

NAME JOSEPH YR 2002 X/EM-NUMBER \_\_\_\_\_

MAP \_\_\_\_\_ CODE \_\_\_\_\_

A A=Active, D=Deleted, Blank=Both CLASS \_\_\_\_\_

RR	REF#	NAME	MAP#	CODE	CLS
R	8275	1 JOSEPH, RANDY & LINDA	10S4000	2200	507 551
R	8313	1 JOSEPH, RANDY & LINDA	10S4000	4900	507 551
R	16749	1 JOSEPH, RANDY & LINDA	10S3800	2100	507 550
R	1087	1 JOSEPH, WILLIAM A & LYNNE K	09S4016CD	6700	501 101
R	1088	1 JOSEPH, WILLIAM A & LYNNE K	09S4016CD	6600	501 101
R	11908	1 JOSEPH, WILLIAM A & LYNNE K	06S4527DC	2300	6103 800
R	11909	1 JOSEPH, WILLIAM A & LYNNE K	06S4527DC	2200	6103 800
R	15220	1 JOSEPH, WILLIAM A & LYNNE K	09S4016CD	6601	501 101
U	800741	1 JR SIMPLOT COMPANY	U107		501
U	800742	1 JR SIMPLOT COMPANY	U107		502
U	800743	1 JR SIMPLOT COMPANY	U107		507
U	800744	1 JR SIMPLOT COMPANY	U107		524
U	800745	1 JR SIMPLOT COMPANY	U107		525
U	800746	1 JR SIMPLOT COMPANY	U107		535
U	800747	1 JR SIMPLOT COMPANY	U107		1601
U	800748	1 JR SIMPLOT COMPANY	U107		1602
U	800749	1 JR SIMPLOT COMPANY	U107		1605

Enter Ref# for Master

7-EOJ 8-CLR

19-MENU

4/17/02

12:40

ASSESSMENT SEARCH

UZ  
A10200

NAME

MAP

10S40 2300

YR 2002 X/EM-NUMBER

CODE

CLASS

A A=Active, D=Deleted, Blank=Both

RR	REF#	NAME	MAP#	CODE	CLS
R	8269	1 GYLLENBERG, JOHN P & JANICE E	10S4000	100	507 550
R	16002	1 STEELE, MARK J & KATHLEEN	10S4000	101	507 551
R	8276	1 OREGON, STATE OF (DOVA)	10S4000	200	507 559
R	8276	2 DUNBAR, MARK R SR CP*	10S4000	200	507 559
R	8283	1 PFEIL, CHARLES & MARILYN TRST	10S4000	300	507 559
R	14612	1 HENRY, BYRON J	10S4000	400	507 550
RM	8274	1 BAKER VALLEY ENTERPRISES, INC	10S4000	500	507 551
MP	901055	1 CAMERON, LEONA M	10S4000	500	507 19
R	8284	1 USA	10S4000	600	507 976
R	9319	1 FOSTER RANCH, INC	10S4000	700	525 550
R	16185	1 FOSTER RANCH, INC	10S4000	701	525 551
R	9320	1 MARSH, KENNETH L TRUSTEE	10S4000	800	525 550
R	9321	1 OREGON, STATE OF	10S4000	1000	525 960
R	9322	1 OREGON, STATE OF	10S4000	1100	525 960
R	9324	1 MCKITTRICK, ROBERT O TRST ETAL	10S4000	1200 U 1	525 551
R	9324	3 MCKITTRICK, TECKLA A	10S4000	1200 U 1	525 551
R	9324	4 BARCLAY, BONNIE	10S4000	1200 U 1	525 551

Enter Ref# for Master

7-EOJ 8-CLR

19-MENU



# Oregon

John A. Kitzhaber, M.D., Governor

## 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

Mailed 4/19/02

E-mail: [carrie.r.jones@ wrd.state.or.us](mailto: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

E-mail: [carrie.r.jones@wrд.state.or.us](mailto:carrie.r.jones@wrд.state.or.us)

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

Re: Transer 8726

**PUBLICATION INSTRUCTIONS  
FOR  
WATER RIGHT TRANSFERS**

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 $\frac{1}{4}$ SW $\frac{1}{4}$ , SECTION 7, T 10 S, R 41 E, WM; NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 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 $\frac{1}{4}$ NE $\frac{1}{4}$ , SECTION 13, T 10 S, R 40 E, WM; 1460'S and 960'E from N $\frac{1}{4}$  cor, Sec 12.

The applicant proposes to change the point of diversion to: SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SECTION 12, T 10 S, R 40 E, WM; 1430' S AND 745' W FROM THE N $\frac{1}{4}$  CORNER, SECTION 12.

The applicant further proposes to change the place of use within: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SECTION 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  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 INSERT LAST DATE OF PUBLICATION HERE.  
IF NO PROTEST IS FILED BY INSERT LAST DATE OF PUBLICATION + 30 DAYS HERE,  
THE CHANGE MAY BE APPROVED WITHOUT A HEARING.



# Oregon

John A. Kitzhaber, M.D., Governor

## 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

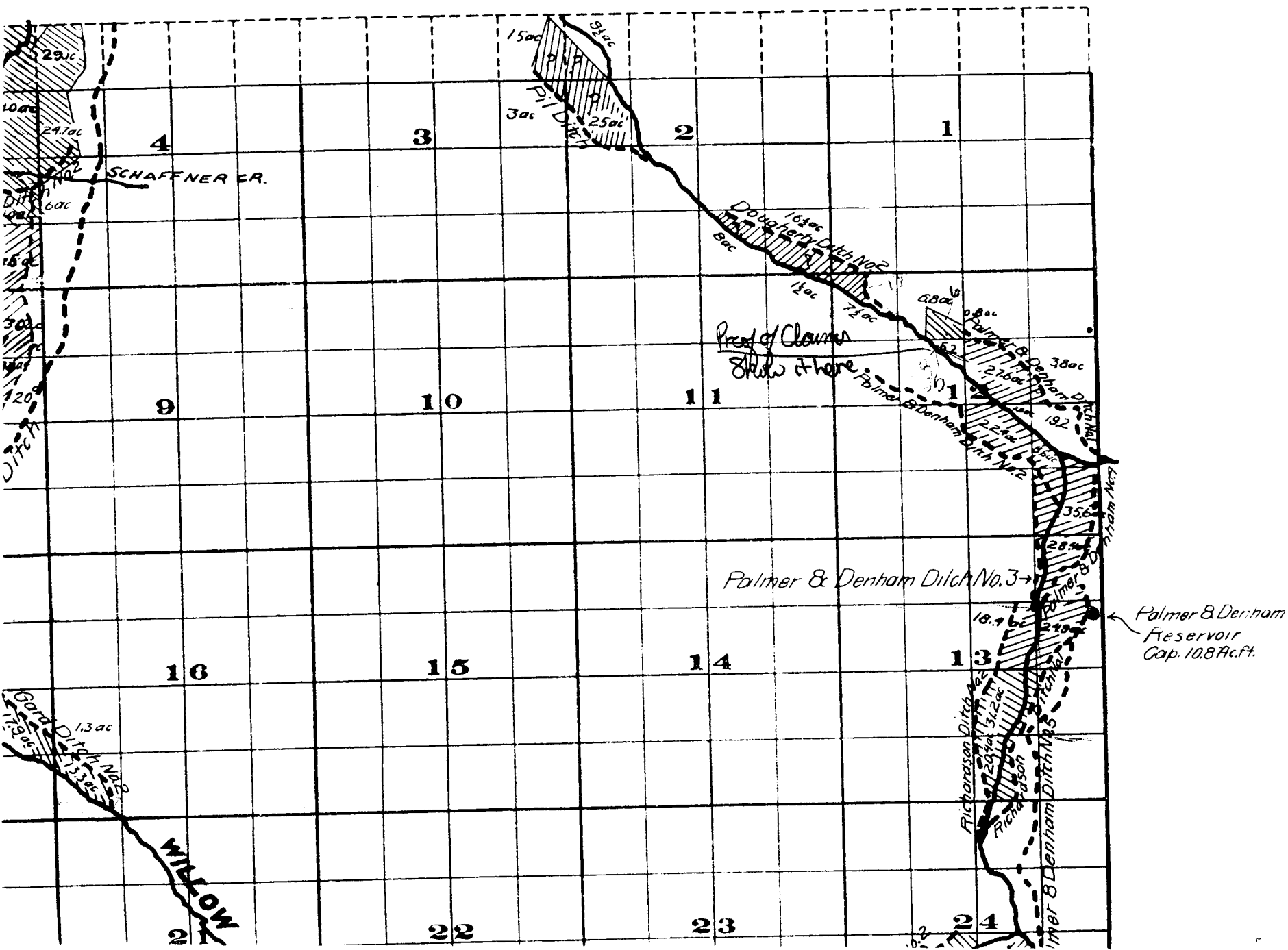
Certificate 4113 lists 3 points of diversion. The proof of claims and the adjudication map conflict one another on the location of one of the points of diversion. The adjudication map shows the point of diversion for Dougherty #2 is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 12. The proof of claims show it to be in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  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.



0 South, \_\_\_\_\_,

Range 40 East \_\_\_\_\_.



# BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. 2 , Baker County

In the Matter of the Determination of the Relative  
Rights to the Waters of Powder  
River and its tributaries, a  
Tributary of SNAKE RIVER.

## STATEMENT AND PROOF OF CLAIMANT

Palmer & Denham No. 2 Ditch.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of Baker

ss.

Claude T. Dougherty

of Baker, Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— Claude T. Dougherty, Baker, Oregon.

(If this proof is made by you as agent or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name. Claim a right to a portion of the waters

A.— of Main Sutton Creek, a tributary of Powder River.

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— Irrigation.

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Appropriation, diversion and beneficial use.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1895.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary. This ditch was constructed

A.— by claimant, ditch was continued by claimant's predecessor in interest in the year 1895 so as to cover 15 acres in SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , 4 acres in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  all in 12-10-40, this ditch is taken out of Sutton Creek at a point in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 12-10-40 and runs in a northerly direction through lands of claimant

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— on claimant's lands in 1895.

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— Palmer & Denham ditch No. 2.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Claimant is the owner of that portion of this ditch running through his lands, the other owners are Palmer & Denham.

10. Q.—State the date of the beginning of construction. A.—To claimant's lands in 1895.
11. Q.—State the date of completion. A.— To claimant's lands in 1895.
12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate.

A.—Width (top) 2 feet; width (bottom) 2 feet;  
depth 12 inches feet; grade, or fall in feet per 1000 feet, 12 inches feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A.— No enlargements.

First enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_ feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet, \_\_\_\_\_ feet.

Second enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_ feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet, \_\_\_\_\_ feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.— 19 acres acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year.

A.— 19 acres of claimant's lands.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year?

A.— 19 acres.

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.— No enlargements.

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
105	419	12						4	15									

Total 19 acres. acres

19. Q.—State the character of the soil and kind of crops cultivated.  
Sandy and black loam. Hay, grain, alfalfa and vegetables.

A.—

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?



\*\*\*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.— Victor 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.

Claude T. Dougherty

Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this 25 day of January, 1913.

Superintendent of Water Division No. of State of Oregon. Notary Public for Oregon.

Filed: , 191

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 the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated 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 which is irrigated.

\*\*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 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

of, my agent 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.

Signature of Claimant.

# BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. 2 , Baker County

In the Matter of the Determination of the Relative

Rights to the Waters of Powder  
River  
and its tributaries, a  
Tributary of Main Sutton Creek

STATEMENT AND PROOF OF CLAIMANT

Dougherty Ditch No. 2. Ditch.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of Baker,

ss.

Claude T. Dougherty of Baker, Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— Claude T. Dougherty, Baker, Oregon.

(If this proof is made by you as agent or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name. Claim a right to a portion of the waters of Main Sutton Creek, a tributary of Powder River.

A.—

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— Irrigation.

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Appropriation, diversion and beneficial use.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.—1887.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary. Dirt and rock dam constructed in Sutton Creek at a point in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  12-10-40, and ditch taken out at this point. This ditch is divided and flumed

A.— across the stream at a point in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  12-10-40 for the irrigation of eight acres in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of 12-10-40, the main prong of the ditch being continued on the opposite side of the stream for the irrigation of thirteen acres in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of 12-10-40.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— 1887.

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— By means of what is known as Dougherty Ditch No. 2.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Owner in fee of this ditch and the lands irrigated therefrom

10. Q.—State the date of the beginning of construction. A.— in 1887.

11. Q.—State the date of completion. A.— 1887

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate.

A.—Width (top) 18 inches feet; width (bottom) 18 inches feet; depth 15 inches feet; grade, or fall in feet per 1000 feet, 18 inches feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A.—No enlargements except those occasioned by cleaning out.

First enlargement—Width (top) feet; width (bottom) feet; depth feet; grade, or fall per 1000 feet, feet.

Second enlargement—Width (top) feet; width (bottom) feet; depth feet; grade, or fall per 1000 feet, feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.— acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. 21 acres.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? 21 acres.

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement? No enlargements.

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
10	40	12					13		8									

Total 21 acres

19. Q.—State the character of the soil and kind of crops cultivated. Sandy and black loam. Hay, grain, alfalfa.

A.—





\*\*\*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.— Victor Nault, Baker, Oregon; 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.

*Claude T. Dougherty*  
Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this 25 day of January, 1913.

*James H. [Signature]*  
Superintendent of Water Division No. \_\_\_\_\_ of State of Oregon.  
Notary Public for Oregon.

Filed: \_\_\_\_\_, 191\_\_\_\_\_

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 the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated 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 which is irrigated.

\*\*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 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 \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_, my agent 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.

Signature of Claimant.

# BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

Water Division No. 2 , Baker County

In the Matter of the Determination of the Relative  
Rights to the Waters of Powder  
River and its tributaries, a  
Tributary of Sanke River

## STATEMENT AND PROOF OF CLAIMANT

Palmer & Denham No. 1 Ditch.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of Baker } ss.

Claude T. Dougherty of Baker, Oregon,

being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.— Claude T. Dougherty, Baker, Oregon.

(If this proof is made by you as agent or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name. Claim a right to a portion of the waters

A.— of Main Sutton Creek, a tributary.

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.— Irrigation.

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Appropriation, diversion and beneficial use.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1884.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary. This ditch is taken out of Main Sutton Creek at a point on the lands of Palmer & Denham in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of 12-10-40, the ditch was constructed by the predecessors in interest of Palmer & Denham and was first constructed so as to cover a portion of claimants lands in 1884 and was at that time used for the irrigation of a portion of the lands owned by claimant.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— 1884.

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.— Palmer & Denham Ditch No. 1

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Claimant is the owner of that portion of this ditch running through the lands owned by him, the remainder of said ditch is owned by Palmer & Denham

10. Q.—State the date of the beginning of construction. A.— On the portion covering claimant's lands in the year 1884.  
 11. Q.—State the date of completion. A.— As to claimant's lands in 1884.  
 12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate.

A.—Width (top) Two (2) feet; width (bottom) Two (2) feet;  
 depth 12 inches feet; grade, or fall in feet per 1000 feet, 12 inches feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A.— No enlargements.

First enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_  
 feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet, \_\_\_\_\_ feet.

Second enlargement—Width (top) \_\_\_\_\_ feet; width (bottom) \_\_\_\_\_  
 feet; depth \_\_\_\_\_ feet; grade, or fall per 1000 feet, \_\_\_\_\_ feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.— Eleven (11) acres. \_\_\_\_\_ acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year.

A.— Eleven acres of claimant's lands.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year?

A.— Eleven acres of claimant's lands.

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.— No enlargements.

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
16	40	12					6			5								

Total 11 acres. \_\_\_\_\_ acres

19. Q.—State the character of the soil and kind of crops cultivated.

A.— Sandy and black loam. Hay, grain, alfalfa.



\*\*\*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.— Victor Nault, Baker, Oregon. 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.

*Claude T. Dougherty*

Signature of Claimant, for agent making proof.

Subscribed and sworn to before me this 25 day of January, 1913

*[Signature]*

~~Superintendent of Water Division No. \_\_\_\_\_ of State of Oregon~~  
Notary Public for Oregon.

Filed: 1/8, 1913  
Fees paid: \$ 8.65

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 the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated 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 which is irrigated.  
\*\*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 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 \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_, my agent 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.

Signature of Claimant.

T-8726

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.

A handwritten signature in black ink, appearing to read "Randy Joseph", with a long horizontal line extending to the right.

Randy Joseph  
37123 Hansen Lane  
Baker City OR 97814

**RECEIVED**

**MAR 19 2001**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

T-8726

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 19 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

T-8726

95 16 134

18/8  
15  
18710

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

Tax Statements to: RANDY JOSEPH and LINDA JOSEPH

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

RECEIVED

MAR 19 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

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

DATED: April \_\_\_\_\_, 1995

Melvin L. Collis

SHIRLEY M. COLLIS

BY Shirley M. Collis  
~~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 19, 1995

The foregoing instrument was acknowledged before me by Melvin L. Collis and Shirley L. Collis by ~~Melvin L. Collis as Attorney-In-Fact.~~ *TL*



*Handwritten signature*



RECEIVED

EXHIBIT "A"  
Page 1 of 2

MAR 19 2001

Land in Baker County, Oregon, as follows:

WATER RESOURCES DEPT.  
SALEM, OREGON

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

Sec. 1: All that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  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 SE $\frac{1}{4}$ SE $\frac{1}{4}$  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.

Sec. 11: All that portion of the S $\frac{1}{4}$ NE $\frac{1}{4}$  and the S $\frac{1}{4}$ SE $\frac{1}{4}$  lying East of the Easterly right of way line of the County Road.

All that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  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 SE $\frac{1}{4}$ SE $\frac{1}{4}$  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 N $\frac{1}{4}$ SE $\frac{1}{4}$  lying Easterly of the Easterly right of way line of the County Road,

EXCEPTING THEREFROM the following:

Commencing at a point N. 84°33'30" W., 1550.50 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 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

MAR 19 2001

EXHIBIT "A"  
Page 2 of 2

WATER RESOURCES DEPT.  
SALEM, OREGON

Sec. 12: S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying South of the Oregon Railway & Navigation Company right of way.

All that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  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 $\frac{1}{4}$ SE $\frac{1}{4}$  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 the County Road.

2272A

STI  
encl 40°

STATE OF OREGON, County of Baker, SS  
I certify that the within instrument was received for the record on the 19<sup>th</sup> day of April, 1995 at 3:40 o'clock P.M.,

Witness my hand and seal of County affixed.

John Woods Co Clerk  
Name Title



## 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.*

### To Be Completed By Applicant

*The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.*

#### A. Applicant

Name: Randy & Linda Joseph

Address: 37123 Hansen Lane

City: Baker City State: OR Zip: 97814 Day Phone: 894-2347

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
10 40 2200		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Baker County

#### C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation

Briefly describe: Changing from flood irrigation to wheel lines and pumping from the creek rather than using ditches.

#### D. Source

Indicate the source for the proposed water use:  
 Reservoir/Pond     Ground Water     Surface Water Sutton Creek  
(source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:  
1.83  CFS     GPM     Acre-Feet

**For Local Government Use Only**

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 301. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		• Obtained • Denied	• Being pursued • Not being pursued
		• Obtained • Denied	• Being pursued • Not being pursued
		• Obtained • Denied	• Being pursued • Not being pursued
		• Obtained • Denied	• Being pursued • Not being pursued
		• Obtained • Denied	• Being pursued • Not being pursued

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: Barbara Stanley Date: 3-7-01  
 Title: Office Mgr Phone: 541-523-8219  
 Signature: Barbara Stanley

**C. Additional Comments**

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RECEIVED**  
 MAR 19 2001  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)



---

# Oregon

---

DEPARTMENT OF  
FISH AND WILDLIFE

---

**Tim Walters**  
Assistant District Fish Biologist  
Grande Ronde Watershed District

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





# Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

## INTEROFFICE MEMO

FORWARD TO: Carrie Jones  
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 4-5-2001

FROM: X WATERMASTER, DISTRICT # 8  
GROUNDWATER SECTION

(SIGNATURE) Richard M. Paul  
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 8726

A change in: POU POD POA USE of water.

In the name(s) of Randy and Linda Joseph

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

\*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:

X (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.

Include standard language - see attached memo

**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 CREEK  
Authorized **POD**: T10S R40E 7,8,9,10,11,12  
T10S R41E 10  
Proposed **POD**: T10S R40E 12  
Authorized **POU**: T10S R40E 12  
Proposed **POU**: T10S R40E 1,12



**TRANSFER CHECK OFF LIST**

TRANSFER FILE # 8726  
DATE RECEIVED 3-19-01  
DATE MONEY SLIPPED 3-19-01  
DATE RECEIPTED 3-19-01  
VALID WATER RIGHT?  Yes  No  
TEMP ALT AC \_\_\_(Greg) IRR DIST \_\_\_(Greg) PERM AMEND \_\_\_(Kelly) DIV 15  (Bernie Assigns)  
TEMP Div 15 \_\_\_ (Bernie) ISWR Bernie COPIES TO LIAISON \_\_\_\_\_

LETTER FROM ATTORNEY \_\_\_\_\_ YES (PUT INFO ON FRONT COVER)  NO

FOLDER FILLED OUT\* X  
INDEX CARD X  
ENTERED IN DB X  
TYPE BLACK BOOK X (And color code)  
RECORD MONEY/RECEIPT # X  
CONTENTS MARKED X  
COLOR CODED Yes  
4 COPIES MADE & STAMPED \_\_\_\_\_

CERTIFICATE MARKED X  
CERTIFICATE COPIED X  
PULL APPLICATIONS ~~~~~  
APP FOLDER MARKED ~~~~~  
FINAL PROOF MAP COPIED ~~~~~  
PERMIT MARKED ~~~~~  
PERMIT COPIED ~~~~~  
PERMIT MAP COPIED ~~~~~  
DECREE MARKED X  
DECREE COPIED ~~~~~  
ADJUDICATION MAP COPIED ~~~~~

ENTRIES CHECKED \_\_\_\_\_ CHECKED BY \_\_\_\_\_ INIT FOLDER \_\_\_\_\_  
PUBLIC NOTICE DATE 4-3-01 (PREPARED & COPIED) \_\_\_\_\_  
LETTER SENT \_\_\_\_\_ Irrigation District \_\_\_\_\_ (copy of app & map)  
COPY TO WM \_\_\_\_\_  
BLUE FORM TO WM \_\_\_\_\_ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist  
COPY TO GW \_\_\_\_\_ POA, APOA, or [SW TO GW ONLY(as POD)]  
BLUE FORM TO GW \_\_\_\_\_ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist  
COPY TO CWRE \_\_\_\_\_  
LETTER TO ODFW \_\_\_\_\_ ALL Surface water POU/USE (POD and APOD FISH SCREENS)  
TRANSFER SENT TO: \_\_\_\_\_ SW --- NCR --- SCR --- 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.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Randy Joseph APPLICATION \_\_\_\_\_  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER T-8726

CASH:  CHECK: # 24-22 OTHER: (IDENTIFY)   
 TOTAL REC'D \$ 400<sup>00</sup>

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT. \$ \_\_\_\_\_  
 VOUCHER # \_\_\_\_\_

**0427 WRD OPERATING ACCT**

PCA AND OBJECT CLASS

0407 MISCELLANEOUS COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
(New) TC162 DEPOSIT LIAB. (IDENTIFY)	\$

*POA # 666111*

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>400<sup>00</sup></u>	0206	\$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
-----------------------	----

**0467 HYDRO ACTIVITY**

	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **43738**

DATED: 3-19-01 BY: [Signature]