



# 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

June 13, 2001

Daly Creek Ranch  
Gerald Novotny  
P.O. Box 859  
Zephyr Cove, NV 89448

REFERENCE: Transfer 8828

On 06-04-2001 we received your water right transfer application requesting a change in Point of Diversion for use of water from Powder River, Eagle Creek, and Daly Creek. The application was accompanied by \$ 1100.00. Our receipt 45598 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 #241, Thomas Hanley

enclosure



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is 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. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/publication/reports/index.shtml](http://www.wrd.state.or.us/publication/reports/index.shtml).

## APPLICATION FOR:

Please check one

<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (number of years _____)	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input type="checkbox"/> Other Transfer		

## 1. APPLICANT INFORMATION

Name: Daly Creek Ranch

Address: P.O. BOX 859, 295 HWY 50, SUITE 3  
First Last

ZEPHYR COVE, NV 89448  
City State Zip

Phone: 775-586-4542 CELL PHONE: 775-742-2125  
Home Work Other

\*Fax: 775-586-4528 \*E-Mail address: GRNovotny@versatilebusiness.com  
\*Optional information

## 2. AGENT INFORMATION

*(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)*

Name: Teresa Chaffee

Address: 44553 Eagle Cr Rd  
First Last

Richland, OR 97870  
City State Zip

Phone: 541-893-6158 CELL: 541-6158-  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: TCHAFEE@PINETEL.COM  
\*Optional information

**3. TYPE OF CHANGE PROPOSED**

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input checked="" type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete <b>Supplemental Form B</b> ) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____  <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: BETTER MANAGEMENT

Describe the *current* water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)*

System capacity: \_\_\_\_\_ cubic feet per second (cfs)

*Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)*

**4. CURRENT WATER RIGHT INFORMATION**

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	<u>1907</u> Certificate Number	<u>2965</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: George W. Blank

County: Baker Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
If "Yes", any information provided on **Page 4** must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates: \_\_\_\_\_

Source(s) of Water Listed on Right: Daly Cr

Tributary to: PR

Are there other **Sources** listed on the water right?  Yes  No  
If "Yes", any information provided on **Page 4** must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources: \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
If "Yes", what are the Permit or Certificate Numbers? Per. 43213,  
Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: See attachment "A", for a description of changes for the water rights involved in this transfer.





# Abstract of Permit No. 2966

Application No. **4960**

Certificate No. **1907** *VALID*

Name **George W. Blank**

Address **Richland, Oregon**

Source of water supply **Daily Creek, tributary of Powder River**

Use **Irrigation**

Point of diversion **S. 84° 30' E. 985 ft. from the S.W. Cor. of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 7, Tp. 10 S., R. 46 E., being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 7, Baker County.**

Number of acres

*5.2146*

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
<b>9 S.</b>	<b>46 E.</b>	<b>51</b>																

Priority date **June 10, 1916**

Amount of water **0.54 c.s.f.**

Time limit to begin construction

Time limit to complete construction

Time limit to completely apply water

Remarks:

*TO POD*

*#1*

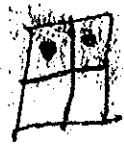
*#3; NENW Sec 6, 1020's 8/1682*

*extended to*

*extended to Fr NW cor, 6*

*extended to*

*extended to*



STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That GEORGE W. BLANK

of Richland, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Daily Creek, a tributary of Powder River, for the purpose of the irrigation of 27 acres of land

under Permit No. 2966 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 271, on the 7th day of December, 1917, that the priority of the right hereby confirmed dates from June 10, 1916, 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 0.54 cubic feet per second, or the equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 27 acres in the Northwest quarter of Southeast quarter of Section Thirty-one (31), Township Nine (9) South, Range Forty-six (46) East of Willamette Meridian, in Baker County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 9th day of January, 1918.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS, State Engineer, President

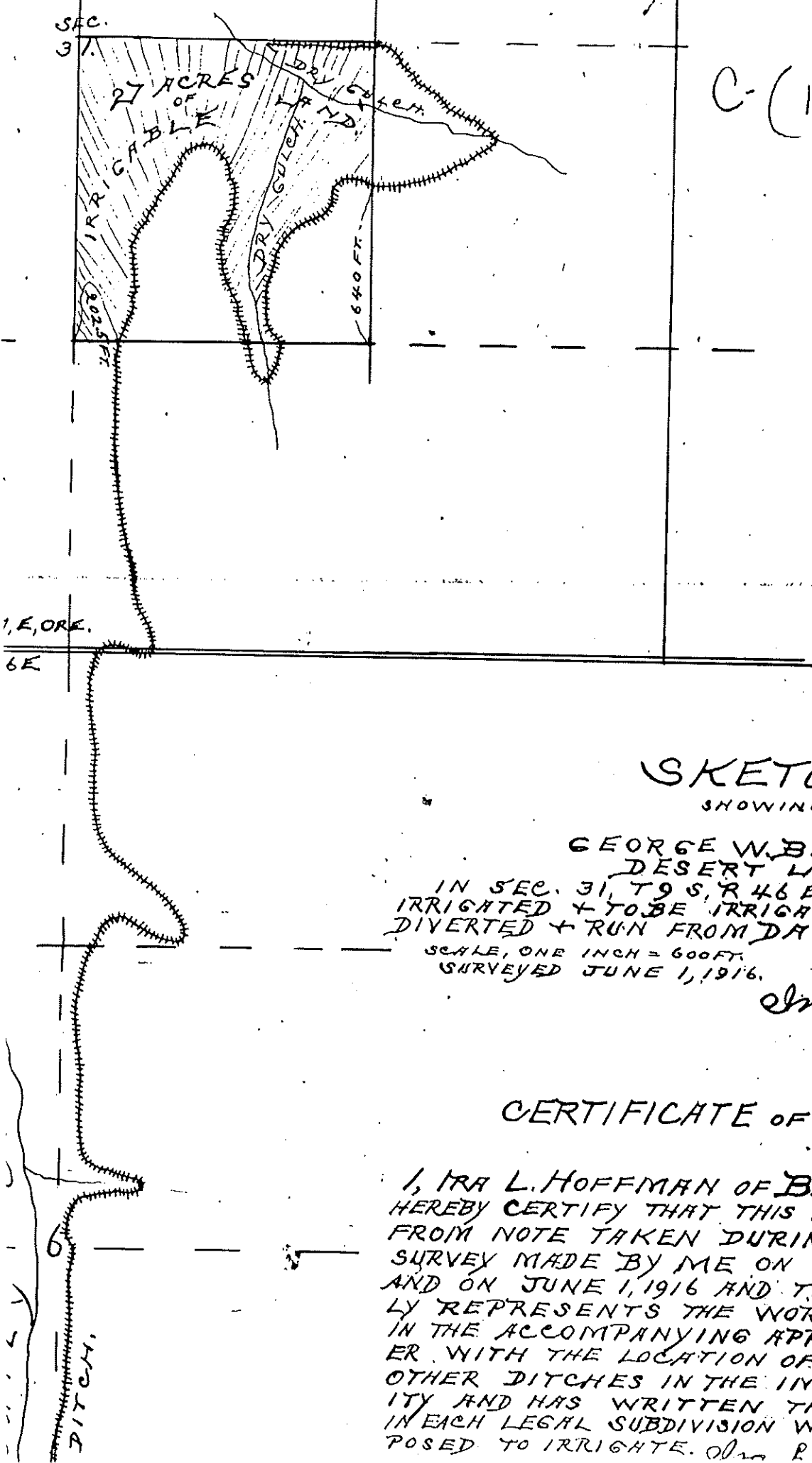
Attest: R. W. POTTER, Secretary

Recorded in State Record of Water Right Certificates, Volume 3, Page 1907



SAC.  
31.

C-(1907)



copy

### SKETCH SHOWING

GEORGE W. BLANK'S  
DESERT LAND  
IN SEC. 31, T9S, R46E, W. M., ORE.  
IRRIGATED + TO BE IRRIGATED WITH WATER  
DIVERTED + RUN FROM DAILY CREEK.

SCALE, ONE INCH = 600 FT.  
SURVEYED JUNE 1, 1916.

Ira L. Hoffman  
County Surveyor

### CERTIFICATE OF SURVEYOR.

I, IRA L. HOFFMAN OF BAKER, ORE., DO  
HEREBY CERTIFY THAT THIS MAP WAS MADE  
FROM NOTE TAKEN DURING AN ACTUAL  
SURVEY MADE BY ME ON OCT. 28 + 29, 1914  
AND ON JUNE 1, 1916 AND THAT IT CORRECT-  
LY REPRESENTS THE WORKS DESCRIBED  
IN THE ACCOMPANYING APPLICATION, TOGETH-  
ER WITH THE LOCATION OF STREAMS AND  
OTHER DITCHES IN THE IMMEDIATE VICIN-  
ITY AND HAS WRITTEN THEREON THE AREA  
IN EACH LEGAL SUBDIVISION WHICH IT IS PRO-  
POSED TO IRRIGATE. Ira L. Hoffman

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete **one** of the following):

<input type="checkbox"/> Certificated Right	<u>3340</u> Certificate Number	<u>2226</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: Meda M. Seigel

County: Baker Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: Daly Cr  
 Tributary to: PR

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers? 28855, 2750, P43213,*  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Certificate Number or other identifying number from Page 3: C-3340

A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Is the entire water right identified on Page 3 affected by this transfer?  Yes  No

If "Yes", the remainder of this page need not be completed.

If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
10 S	46 E	WM	7	SWNE		S 33° 30'E, 1740' FROM N 1/4 OF Sec 7

**Location of Existing Authorized Place of Use to be Changed:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
9 S	46 E	WM	31	SWSE		7 <sup>2</sup> P&D #1 #3
10 S	46 E	WM	6	NWNE		6 <sup>2</sup> Lot 2 P&D #1 & #3

**5. PROPOSED CHANGES TO THE WATER RIGHT**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from **Section 4**: C-3340

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
10	5	46 E	WM	6	NENW	POD #1 1280'S 9 1080'E FM N¼ Cor, Sec 7
10	5	46 E	WM	7	NWNE	POD #3 11690'N 9 1700'E FM W¼ Cor, Sec 6

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number.*

*Not applicable to applications for transfers to instream water rights. POD #2: 1180'S 4 2380'E FM W¼ Cor Sec 6*

**Location of Proposed Place of Use:**

N/A

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That MEDA M. SEIGEL

of Richland, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Daily Creek for the purpose of Irrigation under Permit No. 2226 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 410, on the 17th day of October, 1921; that the priority of the right hereby confirmed dates from September 18, 1914

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 0.18 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 7 acres in the Southwest quarter of Southeast quarter of Section Thirty-one, Township Nine South, Range Forty-six and 6 acres in Lot Two of Section Six, Township Ten South, Range Forty-six, All East of Willamette Meridian, in Baker County, Oregon. (Being a total of 13 acres.)

Handwritten notes: 7 SW SE, Sec 31, 9/46, N Recd Pop #1 & #3, 6 Lot 2, Sec 6, 10/46

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State Water Board, affixed this 17th day of October, 1921 STATE WATER BOARD.

(Seal of State Water Board)

By PERCY A. CUPPER, State Engineer, President

Attest: R. W. POTTER, Secretary

ASSESSMENT SEARCH

YR 2005 X/EM-NUMBER

09S4007D

A=Active, D=Deleted, Blank=Both

MAP# CLASS

CODE C/S

RR	REF#	NAME	MAP#	CLASS	CODE
R	7	HAYNES FAMILY TRUST	09S4007D	100	501 201
R	12	HAYNES, DICK TRADING LLC	09S4007D	200	501 201
R	8	DICK HAYNES FARMATERIALS INC	09S4007D	300	501 201
R	16417	LUMBERMAN'S OF WASHINGTON INC	09S4007D	301	501 201
R	13	BEHLEN MANUFACTURING CO	09S4007D	400	501 201
D	9207	BEHLEN MANUFACTURING CO	09S4007D	400	501 303
R	16548	OREGON TRAIL ELECTRIC CO-OP	09S4007D	400	532 33
R	16546	CITY OF BAKER CITY	09S4007D	401	501 3
D	16547	CITY OF BAKER CITY	09S4007D	402	501 940
R	16896	BAKER INDUSTRY & RESOURCES	09S4007D	403	532 950
R	17024	A S BOYD & CO	09S4007D	404	501 540
R	11	HAYNES, DICK TRADING LLC	09S4007D	500	501 541
R	15193	DICK HAYNES FARMATERIALS INC	09S4007D	501	501 200
R	16418	LUMBERMAN'S OF WASHINGTON INC	09S4007D	502	501 200
R	14628	MARVIN WOOD PRODUCTS INC	09S4007D	600	501 300
R	14	MARVIN WOOD PRODUCTS INC	09S4007D	700	501 303
R	15	MARVIN WOOD PRODUCTS INC	09S4007D	800	501 300

Enter Ref# for Master

7-EOL 8-CLR

19-MENU

# Abstract of Permit No.

Application No. 3338      Certificate No. 3340

Name  Meda M. Seigel valid

Address Richland, Oregon

Source of water supply Daily Creek (Baker County)

Use Irrigation

Point of diversion Substantially S 33° 30' E 1740' from the NE<sub>4</sub> corner of Sect 1  
7, Twp. 10 S., R. 46 E., W. M. being within the SW<sub>4</sub> NE<sub>4</sub> of  
Number of acres said Section 7:

13      DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 S.	46 E.	31																	7. Pa
10 S.	46 E.	6		lot 2															
				6															

Priority date September 16, 1914

Amount of water 0.16 cfs.

Time limit to begin construction

Time limit to complete construction      extended to      extended to

Time limit to completely apply water      extended to      extended to

Remarks:

OK

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That MEDA M. SEIGEL

of Richland, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Dally Creek, a tributary of ... for the purpose of Irrigation under Permit No. 2228 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 410, on the 17th day of October, 1921; that the priority of the right hereby confirmed dates from September 16, 1914

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 0.16 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

7 acres in the Southwest quarter of Southeast quarter of Section Thirty-one, Township Nine South, Range Forty-six and 8 acres in Lot Two of Section Six, Township Ten South, Range Forty-six, All East of Willamette Meridian, in Baker County, Oregon. (Being a total of 13 acres.)

Handwritten notes: 7<sup>0</sup> SWSE 31 (P00130) 6<sup>0</sup> LOT 2 (P001,2,3) 9 46 10/46 R. Potter

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State Water Board, affixed this 17th day of October, 1921

STATE WATER BOARD.

(Seal of State Water Board)

By PERCY A. GUPPER, State Engineer, President

Attest: R. W. POTTER, Secretary



2226.

C-3340

DAY CR. RANCH

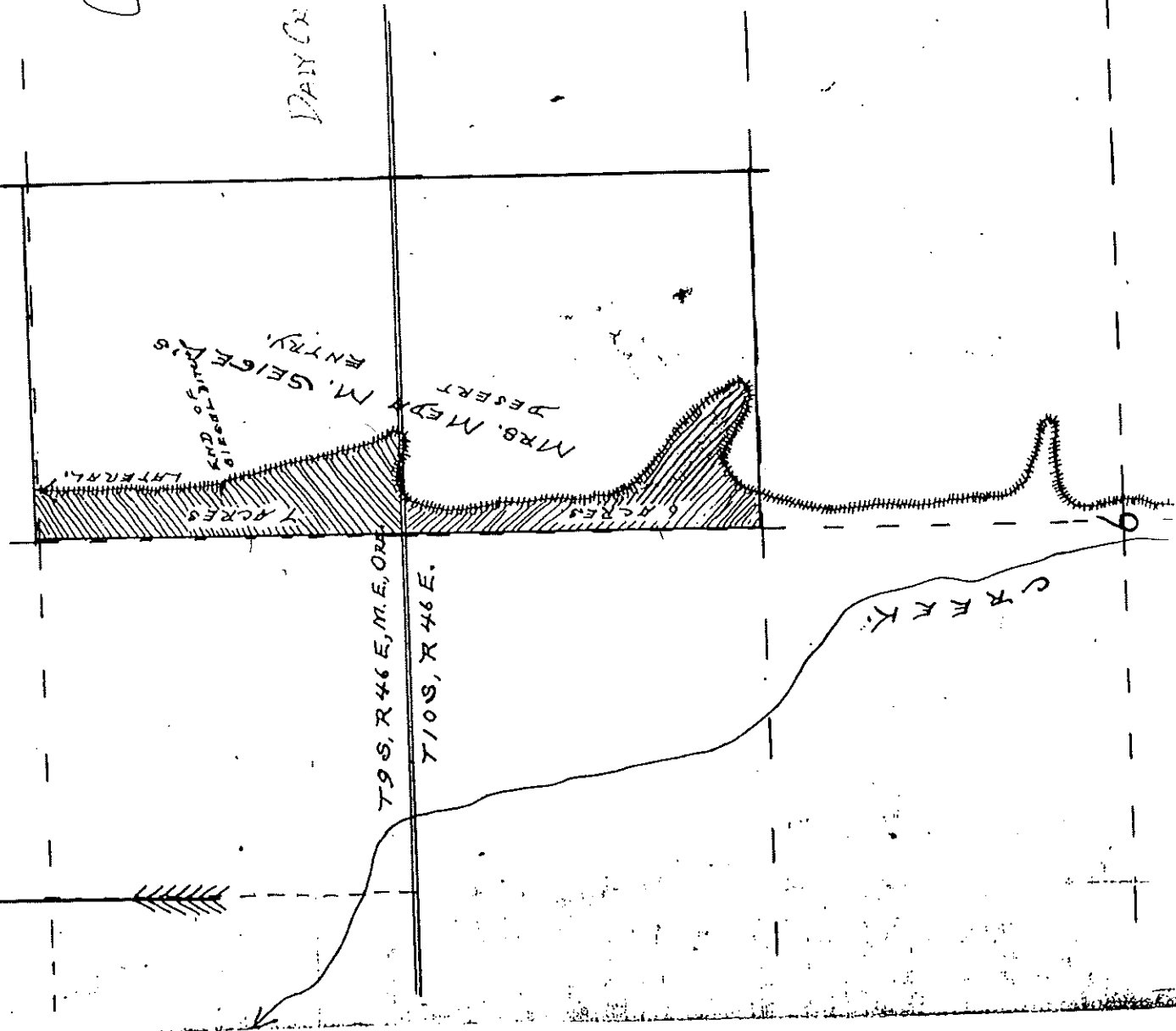
SA

THE LANDS OF  
IN SEC. 31, T9S, R1E  
M. OR. PROPOSED  
WATER DIVERTED  
CREEK.  
SCALE, ONE INCH  
SURVEYED OCT. 23-24

CERTIFIC

IRRA L. HOFFM  
BY CERTIFY THAT  
NOTES TAKEN ON C  
MADE BY ME ON C  
IT CORRECTLY REP  
ED IN THE ACCOMP  
WITH THE LOCATIO  
ES IN THE IMMED  
TEN THEREON THE  
LEGAL SUBDIVISIO  
IRRIIGATE.

31.



MRS. MARY M. GEIGER'S  
DESERT  
6 ACRES  
LATERAL

T9S, R46E, M.E., OR  
T10S, R46E.

CREEK

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	<u>4004</u> Certificate Number	<u>V6 P291 (PR)</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	<u>        </u> Name of Decree	<u>        </u> Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	<u>        </u> Permit Number	<u>        </u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<u>        </u> Previous Transfer Number	<u>        </u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	<u>        </u> Permit Number	<u>        </u> Completion Date of Permit

Name on Permit, Certificate, or Decree: Clarence Bogart  
 County: Baker Authorized Use(s): Irr.

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: Powder R.  
 Tributary to: Snake R.

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers? 4004, 4607, 22668, 2398*  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**5. PROPOSED CHANGES TO THE WATER RIGHT**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from *Section 4*: C-4004

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township		Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
9	S	45	E	35	NENE		PR Pump, 380' S 780' W
							FM NE Cor, Sec 35

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

**Location of Proposed Place of Use:**

N/A

Township		Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Fix POD  
To PUMP

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That CLARENCE BOGART

of Richland, State of Oregon has a right to the use of  
the waters of Powder River, a tributary of Snake River  
for the purpose of the irrigation of 10 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 1900

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 appur-  
tenant (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 Northeast quarter and 6 acres in the South-  
east quarter of Northeast quarter of Section Thirty-five, Township Nine South,  
Range Forty-five East of Willamette Meridian, in Baker County, Oregon.

4.0 SW NE  
6.0 SE NE  
SEC 35  
R 45  
T 9

Change POD in X-FEV.  
NO RR-T

Bogart Vired (PR)  
a SUPP Supply 1901  
From Howard Ditch (changed)

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 FERGUS A. GUPPER  
State Engineer, President

Attest:  
R. W. POTTER  
Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4004.

These lands may be covered in part  
by Brownlee Reservoir  
See H.E. License File

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	<u>4103</u> Certificate Number	<u>PR V.6 P.291</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: W. P. DAVIS

County: Baker Authorized Use(s): Ir

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: Daly Cr  
 Tributary to: P.R.

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers? \_\_\_\_\_*  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Certificate Number or other identifying number from Page 3: 4103

A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Is the entire water right identified on Page 3 affected by this transfer?  Yes  No  
 If "Yes", the remainder of this page need not be completed.  
 If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
						DAVIS DITCH

**Location of Existing Authorized Place of Use to be Changed:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
			7	NESE		5 <sup>0</sup>
			7	NWSE		9 <sup>0</sup>
			7	SWSE		2
			7	SESE		8 <sup>0</sup>
			7	SWNE		6 <sup>0</sup>
						30 <sup>0</sup>

**5. PROPOSED CHANGES TO THE WATER RIGHT**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from Section 4: C-4103

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
			7	NW¼E		POD # 1: 1280'S & 1080'E FM N¼ cor. Sec 7
			6	NENW		POD # 3 1690' N & 1700' E FM W¼ cor. Sec 6

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

**Location of Proposed Place of Use:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
		W.M.	30	SESW		14 <sup>3</sup> POD 1 & 3
			30	SWSE		7 <sup>0</sup> POD 1
			31	SWNE		4 <sup>8</sup> POD 1
			31	NENW		3 <sup>9</sup> POD 1
						3 <sup>0</sup>

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That W. P. DAVIS

of Richland, State of Oregon has a right to the use of

the waters of Daly Creek, tributary of Powder River

for the purpose of the irrigation of 30 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 decrees 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 1886

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:

6 acres in the Southwest quarter of Northeast quarter; 5 acres in the Northeast quarter of Southeast quarter; 9 acres in the Northwest quarter of Southeast quarter; 2 acres in the Southwest quarter of Southeast quarter and 8 acres in the Southeast quarter of Southeast quarter of Section Seven, Township Ten South, Range Forty-six East of Willamette Meridian, in Baker County, Oregon.

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)

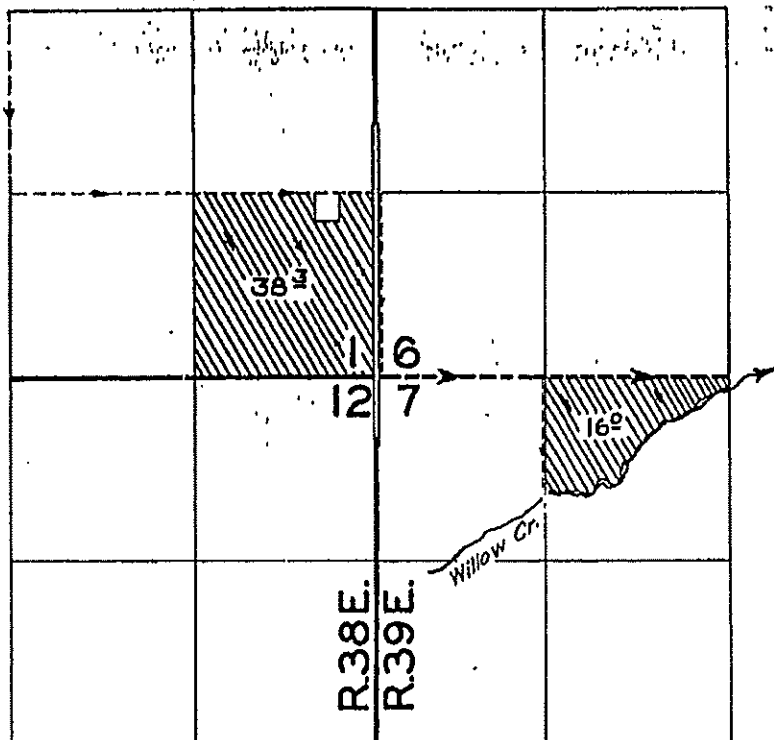
By FRANK A. CUPPER, State Engineer, President

Attest:

R. W. POTTER, Secretary.

Recorded in State Record of Water Right Certificates, Volume 5, page 4203.

# T.8S.R.38&39E.W.M.



## FINAL PROOF SURVEY UNDER

TRANSFER No. E-31

Application No. .... Permit No. ....  
IN NAME OF

.....*H.F. & MADGE EVANS*.....

Surveyed SEPT. 15 19.60, by *J. Johnson*

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount, Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Davis, W. P. Richland, Oregon.	1888		30	Irrigation	Davis	Daly	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ -5 9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ -9 2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ -2 8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ -8 Section 7 T 10 S. R. 46 E. W. N.
145019 Daugherty, W. S. Hainon, Oregon	1868 1890		40 40	Irrigation	Hunstock & Meyers	Rock Creek	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 T 8 S. R. 39 E. W. M. 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T 8 S. R. 38 E. W. M.
Dean, Estella Keating, Oregon	1888		31.09	Irrigation	Duncan & P.R.Dam Ditch & Con.Co.	Powder	12 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11 17.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 31.29 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T 8 S. R. 41 E. W. M.
Dean, J. M. Keating, Oregon	1888		219	Irrigation	P.R.Dam Ditch & Con.Co. & Duncan	Powder	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1 14 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 28 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11 T 8 S. R. 41 E. W. M.
DeFrees, B. F. Baker, Oregon by F.L.Hubbard	Apr. 4, 1903		44.4	Irrigation	Hansen	Deer Creek	37.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 T 10 S. R. 38 E. W. M.
DeFrees, J. J. Haines, Oregon.	1912 Jan. 2 1898		1 120	Irrigation Irrigation	Fisher- Long McEwen Valley Irrigation Company	Rock Creek Powder	1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 T 10 S. R. 37 E. W. M.
DeFrees, W. H. Sumpter, Oregon	Jan. 2 1898		120	Irrigation	McEwen Valley Irrigation Company	Powder	40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24 T 10 S. R. 37 E. W. M.

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete **one** of the following):

<input type="checkbox"/> Certificated Right	<u>4494</u> Certificate Number	<u>Y6 P.291 (PR)</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: Eugene Sullivan  
 County: Baker Authorized Use(s): Ir

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: Daly Cr. & Eagle Supp  
 Tributary to: Powder R.

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers?* \_\_\_\_\_  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: Eagle Cr. Supp will be canceled  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**5. PROPOSED CHANGES TO THE WATER RIGHT**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from Section 4: C-4497

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
						POD #1 1280'S & 1080'E FM NW ¼ Sec 7
						POD # 3 11690'N & 1700'E FM W ¼ Cor Sec 6

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

**Location of Proposed Place of Use:**

N/A

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

PRSP EAGLE CREEK  
DALY CREEK?

This is to Certify, That . EUGENE SULLIVAN

of Richland , State of Oregon . . . has a right to the use of the waters of Daly Creek (also supplied from Eagle under date of 1901 through the Howell Ditch) tributary of Powder River for the purpose of the irrigation of 12 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 1884

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:

12 acres in the Northwest quarter of Northwest quarter of Section Thirty-one Township Nine South, Range Forty-six East of Willamette Meridian, in Baker County, Oregon.

12.0 NW NW PCD#1 §3  
31  
T9 R46E

Canal Eagle  
N/O  
RR Cut

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

(Seal of State Water Board)

STATE WATER BOARD

By . . . . . FERGUS A. CUPPER . . . . .  
State Engineer, President

Attest:

. . . . . R. W. POTTER . . . . .  
Secretary

Recorded in State Record of Water Right Certificates, Volume 5 , page 4494.

These lands may be covered in part by Brownlee Reservoir See H.E. License File

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>14128</u> Certificate Number	<u>12423</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: W.W. Howell, Albert A Kendall & Lee Gulick  
 County: Baker Authorized Use(s): Supp Irr

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: Powder R  
 Tributary to: Snake R.

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers?* \_\_\_\_\_  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



Certificate Number or other identifying number from Page 3: C-14128

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on Page 3 affected by this transfer?  Yes  No  
 If "Yes", the remainder of this page need not be completed.  
 If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
9 S	45 E	W.M.	35	NENW		

**Location of Existing Authorized Place of Use to be Changed:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
9 S	45 E	W.M.	36	NENE		4 <sup>1</sup>

**5. PROPOSED CHANGES TO THE WATER RIGHT**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from **Section 4**: C-14128

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
9	S	45	E	W-M	36	NENE		300'S & 80'W E-M NE COR, Sec 35

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

**Location of Proposed Place of Use:**

N/A

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. W. HOWELL, ALBERTA KENDALL & LEE GULICK

of Richland, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Powder River a tributary of Snake River for the purpose of Supplemental Irrigation under Permit No. 12423 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 October 29, 1936

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 4.83 cubic feet 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 NE 1/4 NW 1/4, Section 35, Township 9 South, Range 45 East, N. 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-fourtieth of one cubic foot per second per acre, or its equivalent for each acre irrigated,

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:

- V. 51 P 426
- Change
- 0.2 acre in the SW 1/4 SE 1/4 - 0.2 = 0
  - 26.9 acres in the SE 1/4 SE 1/4 - 26.9 = 0
  - Section 25,
  - 26.7 acres in the NE 1/4 NE 1/4 - 26.7 = 0
  - 12.0 acres in the NW 1/4 NE 1/4 - 12.0 = 0
  - 5.9 acres in the NE 1/4 NW 1/4 - 5.9 = 0
  - Section 36,
  - T. 9 S., R. 45 E., W. M.
  - 28.8 acres in the NE 1/4 SW 1/4 - 28.8 = 0
  - 9.3 acres in the NW 1/4 SW 1/4 - 9.3 = 0
  - 38.6 acres in the SW 1/4 SW 1/4 - 38.6 = 0
  - 16.3 acres in the SE 1/4 SW 1/4 - 16.3 = 0
  - 16.9 acres in the NW 1/4 SE 1/4 - 16.9 = 0
  - 1.7 acres in the SW 1/4 SE 1/4 - 1.7 = 0
  - Section 30,
  - 9.9 acres in the NW 1/4 NW 1/4 - 9.9 = 0
  - Section 31,
  - T. 9 S., R. 46 E., W. M.
- cancel
- RR

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 22nd day of June, 1942

CHAS. E. STRICKLIN  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14128.

These lands may be covered in part by Brownlee Reservoir See H.E. License File

Section 4  
Reabstract mail

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete **one** of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>15177</u> Certificate Number	<u>POWDER DEC V14 P 381</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: JOHN R SCHNAU, JOHN SASS

County: BAKER Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: DALY CREEK

Tributary to: Powder R

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers?* \_\_\_\_\_  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Certificate Number or other identifying number from Page 3: E15177

A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Is the entire water right identified on Page 3 affected by this transfer?  Yes  No

If "Yes", the remainder of this page need not be completed.

If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
10	S	46	E	WM	7	NWNE		1220' S & 1650' W FROM THE NE COR, SEC 7

**Location of Existing Authorized Place of Use to be Changed:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
10	S	46	E	WM	6	NE NW	LOT 3	18.7
10	S	46	E	"	"	NW NW	LOT 4	1.0
10	S	46	E	"	"	SE NW		8.6
					31	NE SW		29.5
					31	SE NW		32.4
					31	NW SW		5.2
					31	SWSW		3.3
					31	SE SW		24.5
					31	SW SE		6.6

POD # 1 & 3  
POD # 2 & 3  
POD # 1  
18.3 (POD only)  
"  
POD # 3 only  
POD # 3 only  
POD # 3 only  
POD # 1 & 3

**5. PROPOSED CHANGES TO THE WATER RIGHT**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from *Section 4*: C-15177

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
9	S	46	E	WM	31	SWSW
10	S	46	E	WM	7	NWNE
"	"	"	"	"	6	NENW
						POD #1: 1280'S & 1080'E fm N¼ cor, Sec 7
						POD #3: 1690'N & 1700'E fm W¼ cor Sec 6

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

**Location of Proposed Place of Use:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
9	S	46	E	W.M.	30	NE SE 3.8
"	"	"	"	"	"	SW SE 3.2
"	"	"	"	"	"	SE SW 18.6

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN R. SCHIAU AND JOHN E. SASS

of Richland, State of Oregon, has a right to the use of the waters of Daly Creek for the purpose of Irrigation

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 ENGINEER, in Volume 14, at page 384; that the priority of the right thereby confirmed dates from 1908;

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 one-twentieth of one cubic foot per second per acre;

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:

32.4 acres in SE 1/4 NW 1/4 32.4 1,3
29.5 acres in NE 1/4 SW 1/4 29.5 1,3
5.2 acres in Lot 3 5.2 1
3.3 acres in Lot 4 3.3 3
24.5 acres in SE 1/4 SW 1/4 24.5 1,3
6.6 acres in SW 1/4 SE 1/4 6.6 1,3
Section 31
Tp. 9 S., R. 46 E., W. M.
18.7 acres in Lot 3 NENW 1/8 18.7 1,3
1.0 acre in Lot 4 NWNW 1/4 1.0 1,2,3
8.6 acres in SE 1/4 NW 1/4 8.6 1,2,3
Section 6
Tp. 10 S., R. 46 E., W. M.

Handwritten initials 'ORR' in cursive.

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

WITNESS the signature of the State Engineer, affixed

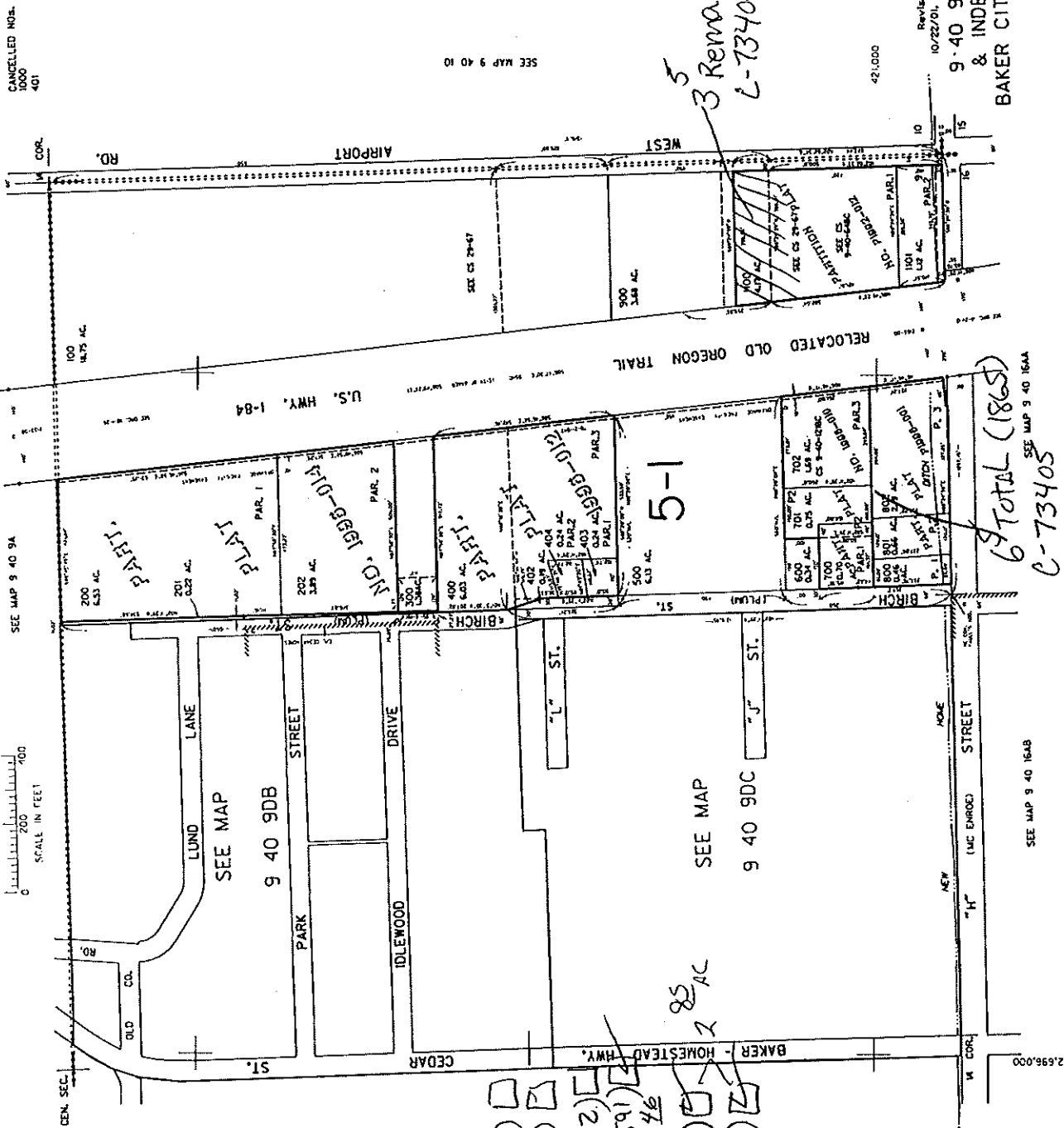
this 21st day of July, 1947

CHAS. F. STRICKLIN, State Engineer

9 40 9D  
& INDEX  
BAKER CITY

SE 1/4 SEC. 9 T. 9S. R. 40E. W.M.  
BAKER COUNTY

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



SCALE IN FEET  
0 200 400

SEE MAP 9 40 9A

CANCELLED NOS.  
1000  
401

SEE MAP 9 40 10

Reviewed  
10/22/01 CS  
9 40 9D  
& INDEX  
BAKER CITY

SEE MAP 9 40 9CA

SEE MAP  
9 40 9DC

SEE MAP 9 40 16A8

- 600 - Paul Zirkmond (Ref 277)
- 700 Virginia Neff ( 280)
- 701 Ida & Robert Scott ( 16592)
- 702 Keith & Sharon Koelf (16591)
- 800 June Rode ( 274)
- 801 Larry & Karen Sleser (274)
- 802 " (16423)

6 TOTAL (1865)  
6-73405

3 Remaining  
6-73405



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Pacific Loan and Investment Company, Ltd. (Continued)							
							22.0 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 24.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.5 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12; 18.5 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.0 A in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 11; 40.0 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.8 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.5 A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 A in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.0 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 22.5 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31.0 A in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 15; 11.5 A in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.0 A in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 22; 20.5 A in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; Tp. 9 S.R. 40 E.W.M.  (0) 10.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 8; (1) 22.7 A in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, Tp. 10 S.R. 40 E.W.M.
15176 Peyron, Henry, and Holland Land Company Baker, Oregon	March 1905		12	Irrigation	Baker Irrigation Company	Powder River	12.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 Tp. 8 S.R. 40 E.W.M.
15177 John R. Schnau and John E. Fass Richland, Oregon  (Findings, Paragraph 7)	1908		129.8	Irrigation	Seigel	Daly Creek	32.4 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 29.5 A in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.2 A in Lot 3 3.3 A in Lot 4 24.5 A in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.6 A in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Tp. 9 S.R. 46 E.W.M.  18.7 A in Lot 3 1.0 A in Lot 4 8.6 A in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, Tp. 10 S.R. 46 E.W.M.
15178 Geo. S. Spiropolis Durkee, Oregon  (Findings, Paragraph 8)	September 18, 1907		13.3	Irrigation	Kirby	West or South Daly Creek	7.0 A in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 A in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, 4.3 A in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 A in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Tp. 11 S.R. 45 E.W.M.

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete **one** of the following):

<input type="checkbox"/> Certificated Right	<u>28855</u> Certificate Number	<u>V.6 P440 (PR)</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: Thos Seigel  
 County: Paker Authorized Use(s): Irrigation

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* 1862 (Tract 1) 1882 (Tract 2)

Source(s) of Water Listed on Right: D. N. Cr.  
 Tributary to: PR

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers?* 28855, 2750, P43213, 15177  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: Eagle Cr Supplemental Will be canceled

Certificate Number or other identifying number from *Page 3*: C-28855

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on *Page 3* affected by this transfer?  Yes  No  
*If "Yes", the remainder of this page need not be completed.*

*If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
						Daly Cr. Feed

**Location of Existing Authorized Place of Use to be Changed:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
			30	SWSW		0.2
			30	SWNW		28.0
			31	NWSW		18.0
			31	SWSW		10.5
			31	SESW		4.0

Proposed PoA  
 — POD # 3 # 1 / ALA 1  
 — POD # 3 # 1 / ALA 2  
 — POD # 3 only  
 — POD # 3 only  
 — POD # 3 only



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Thomas Seigel

of Richland, State of Oregon, has a right to the use of the waters of Daly Creek for the purpose of Irrigation

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 ENGINEER, in Volume 6, at page 440; that the priority of the right thereby confirmed dates from 1862 for Tract No. 1 and 1882 for Tract No. 2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-twentieth of one cubic foot per second for each acre irrigated

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:

POP TRAM	Tract No. 1	28.0 ac. in the SW 1/4 NW 1/4	28-0	28-28	cancel
		18.0 ac. in the NW 1/4 SW 1/4	18-0	18-18	
		10.5 ac. in the SW 1/4 SW 1/4	10.5	10-10	
		4.0 ac. in the SE 1/4 SW 1/4	4.0	0	
		Section 31			
		T. 9 S., R. 46 E., W.M.			
	Tract No. 2	40.0 ac. in the SW 1/4 SW 1/4	39.3	39.3-0	0-0
		Section 30			
		T. 9 S., R. 46 E., W.M.			

Note: 87 acres of the above lands have a supplemental supply from Eagle Creek under priority of 1901 through the Howell Ditch.

Eagle Cr Supp Breakdown

28  
18  
1  
0.7  
39.3  
87

cancel

RR

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

WITNESS the signature of the State Engineer, affixed

this 10th day of August, 1961.

LEWIS A. STANLEY State Engineer

Recorded in State Record of Water Right Certificates, Volume 21, page 28855

These lands may be covered in part by Brownlee Reservoir See H.E. License File

AAA  
Seacrest, Fountain  
Baker, Oregon  
Baker, Co.  
(Finding #13, 15  
& 27) + 229 p 310

AAA  
Seig, Lou M.  
{successor in interest  
to Emma C. Rocheford)  
Haines, Oregon  
Baker Co.

1885's  
Seigel, Thomas  
Richland, Oregon  
Coffee R.  
T-8828 Δ Road

AAA  
Selby, W. J.  
Baker, Oregon  
Baker Co.

1867	122	Irrigation	Rea	Washington Gulch	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 T 9 S. R. 39 E. W. M.
1897	25	Irrigation	Wilcox- Favorite	Plum Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 T 8 S. R. 39 E. W. M.
1903	133.5	Irrigation	Wilcox- Favorite	Plum Creek	
1862	60.5	Irrigation	Daly Creek Feed	Daly Creek (Supplement- all supply from Eagle Creek under date of 1901 from Howell ditch for 87 acres)	28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 39 <sup>3</sup> 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ = 0 <sup>70</sup> Section 30 T 9 S. R. 46 E. W. M. only bound 11 Ditch
1882	40		Howell & Tom Pierce		
1880	4	Irrigation	Bowman- Jeffries Bennett	Plum Creek	15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29 T 8 S. R. 39 E. W. M.
1890	11				
1888	15				

ND Grants Issued yet!

POWDER RIVER -150-  
440

Patent No.	Year	Acres	Purpose	Beneficiary	Water Source	Description
1887		20	Irrigation	Schall, Ashwood & Green	Rock Creek	40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 39 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31 T 7 S. R. 39 E. W. M.
4443 Schultz, Elmer D. Newbridge, Oregon	1893	24	Irrigation	Bowman	Powder	8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30 T 9 S. R. 45 E. W. M.
4444 Scofield, Samuel S. Baker, Oregon	1899	32	Irrigation	Scofield	Goose Creek	32 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26 T 8 S. R. 38 E. W. M.
4445 Scott, C. L. North Powder  (Finding #92)	1872 1883	10 66	Irrigation	Scott	Clover Creek & Springs located on SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5 and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8	14 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 T 5 S. R. 39 E. W. M.
4446 Seacat, Fountain Baker, Oregon  (Finding #13, 15 & 27)	1867	122	Irrigation	Rea	Washington Gulch	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 T 9 S. R. 39 E. W. M.
4447 Seig, Lou M. (successor in interest to Emma C. Rocheford) Haines, Oregon	1897 1903	25 133.5	Irrigation	Wilcox-Favorite	Pine Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8 T 8 S. R. 39 E. W. M.
28855 Seigel, Thomas Richland, Oregon	1862	60.5	Irrigation	Daly Creek Feed	Daly Creek	28 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 12 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 T 9 S. R. 46 E. W. M.
	1882	40		Howell & Tom Pierce	Eagle Creek	under date of 1901 from Howell ditch for 87 acres)
4448 Selby, W. J. Eaker, Oregon	1880 1890 1888	4 11 15	Irrigation	Bowman-Jeffries Bennett	Pine Creek	15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29 T 8 S. R. 39 E. W. M.

0.2 acre SW $\frac{1}{4}$  SE $\frac{1}{4}$   
26.9 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 25, T9S R45E

22.6 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
12.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
5.9 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 36, T9S R45E

C14128

9.6 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 31, T9S R46E

28.8 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
9.3 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
16.3 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$

38.6 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
16.9 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
1.7 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$

Section 30 T9S R46E

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of 4.1 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 36, T9S R45E and 0.3 acre in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, T9S R46E, W.M. not cancelled in this proceeding.

It is further ORDERED that Certificate 23035, and the portion of the right for supplemental irrigation of 2.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$  14.8 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 25 and 0.95 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, all in T9S, R45E, WM, be and the same is hereby CANCELLED.

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for supplemental irrigation under a priority date of June 22, 1951 on 11.4 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 16.2 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 23.05 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$ , all in Section 26, T9S R45E WM, which are not cancelled in this proceeding.

It is further ORDERED that Certificate 23417, and the portion of the right appurtenant to 21.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, 22.6 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 5.7 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 36, all in T9S R45E WM, under priority May 3, 1947, be and the same is hereby CANCELLED.

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands not cancelled in this proceeding:

11 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$                       14.9 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
7.8 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$                       10.2 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$

Section 36 T9S R45E WM

It is further ORDERED that Certificate 28855, and that portion of the right for primary irrigation under primary irrigation under priority 1882 and supplemental supply from Eagle Creek under priority of 1901 through the Howell Ditch for 39.3 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 30, T9S R46E, WM, be and the same is hereby CANCELLED.



It is further ORDERED that Certificate 4028 is for irrigation on the following lands in Section 30, T9S R46E, WM:

38.0 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 28.0 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$  under a priority of 1876;  
10.0 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$  under a priority of 1907

and the water right evidenced by same, be and the same is hereby CANCELLED in its entirety.

It is further ORDERED that Certificate 4231 and that portion of the right evidenced by Certificate 4231 for irrigation of the following lands in Township 9 South, Range 45 East, WM, be and the same is hereby CANCELLED:

37.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 25  
6.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 36  
under priority August 1863  
30.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$  in Section 25, under priority May 20, 1909

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands not cancelled in this proceeding:  
17.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  under priority August 1863, 10.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 16.5 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 16.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$ , under priority 1890, all in Section 36, T9S, R45E, W.M.

It is further ORDERED that Certificate 4264 for irrigation on 38.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, T9S, R45E, W.M., under priority dates of 1902 and 1904, and the water right evidence by said certificate, be and the same is hereby CANCELLED in its entirety.

It is further ORDERED that Certificate 4590, and the portion of the right evidenced thereby, for primary irrigation of 26.3 acres located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and supplemental irrigation of 1.3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, T9S, R45E, WM, be and the same is hereby CANCELLED.

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands not cancelled in this proceeding:  
Primary irrigation 40.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 13.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  in Section 25, T9S, R45E, W.M., from Eagle Creek under a priority of 1885, and supplemental irrigation of 13.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 25, T9S, R45E, WM from Powder River, Augustus or Jeffords Ditch under priority 1880.

It is further ORDERED that Certificate 4611, and the portion of the right evidenced thereby, for irrigation use on 21.4 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 6.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$  in Section 30, T9S R46E W.M. under priority July 12, 1900, be and the same is hereby CANCELLED.

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands **not** cancelled in this proceeding, all located in T9S R46E, WM:

*28.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	*0.7 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
*18.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 30, Priority 1882
10.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ (*1 ac. supp)	
4.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	
Section 31, Priority 1862	

\*Lands marked with an asterisk also have a supplemental supply from Eagle Creek under priority 1901 via the Howell ditch.

It is further ORDERED that Certificate 33891, and that portion of the right evidenced thereby, for irrigation of 21.7 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 11.1 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.1 acre NW $\frac{1}{4}$  NW $\frac{1}{4}$  all in Section 30, T9S R46E, WM, under a priority of 1881, be and the same is hereby CANCELLED.

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands **not** cancelled in this proceeding:

under priority 1868	under priority 1886
5.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	18.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26 T9S R45E	Section 19 T9S R46E

under priorities 1886 (12.0 acres) and 1881 (8.0 acres):  
7.4 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$                       12.6 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 19 T9S R46E

under priority 1881	
32.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
39.9 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 23 T9S R45E
18.3 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.25 acre in Lot 9, Block 4, in the
28.9 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	town of Richland T9S R45E WM
Section 30 T9S R46E	

It is further ORDERED that Certificate 44243, and the portion of the right evidenced thereby, for irrigation under a priority of 1885 of 0.5 acre in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, T9S R46E, WM, be and the same is hereby CANCELLED. <sup>15</sup>

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands **not** cancelled in this proceeding:

under priority date 1879	under priority date 1885
22.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 23	39.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
	Section 25

location. Please have your CWRB make these changes on the application map to reflect the correct number of acres.

(6) Pages 16 - 20 of the application lists the proposed place of use from Wells # 6 & #7. Some of the acres were missing on the application. Below is a list of the missing acres:

Township	Range	Section	%	Acres
15S	41E	11	NWNW	7.0
15S	41E	11	SENE	10.00

Please look at the map to make sure these acres are the appropriate place of use for wells 6 & 7. If it is correct please make the necessary changes on your application.

(7) Page 21 of the application lists the proposed place of use from Well # 5 for 3.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 14, T 15 S, R 40 E. The map shows those acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ . Please look and the map to confirm that the 3.1 acres are mapped in the correct place. If they are, then please make the necessary changes on your application and initial beside the change.

(8) Pages 2 - 4 of the application list the proposed place of use from Well #1. The total acres are more than what the original certificate allows. The map also reflects the same total. The total authorized acres are 189.00 acres. The proposed acres total to 189.10. Please discuss this discrepancy with your certified water right examiner (CWRB) and make the necessary changes on your application. Please initial beside any changes made on the application.

Your CWRB also needs to make these changes on the application map to reflect the correct number of acres.

(9) In the legend the permit numbers are listed but not the certificate numbers. Please have your CWRB add the appropriate certificate number to the legend, which I have listed below:

Permit #	Certificate Number	Permit#	Certificate Number
U-320	44316	U-391	23632
U-349	23628	U-392	(T-3413) OLD CERT. # 23633
U-350	46078	U-406	23634
U-359	(T-3413) OLD CERT. # 23631	U-490	44208
U-369	44027		

Once I receive the amended application, map and affidavits I can prepare the publication for you. The publication must run in a local paper for 3 consecutive weeks. The protest period lasts an additional 30 days after the 3 week publishing. If no protests are filed I then create an order and any remaining certificates to be sent to Salem for final processing.

Please give me a call if you would like to go over this together or have any questions. My phone number is (541) 523-8224 Extension 36.

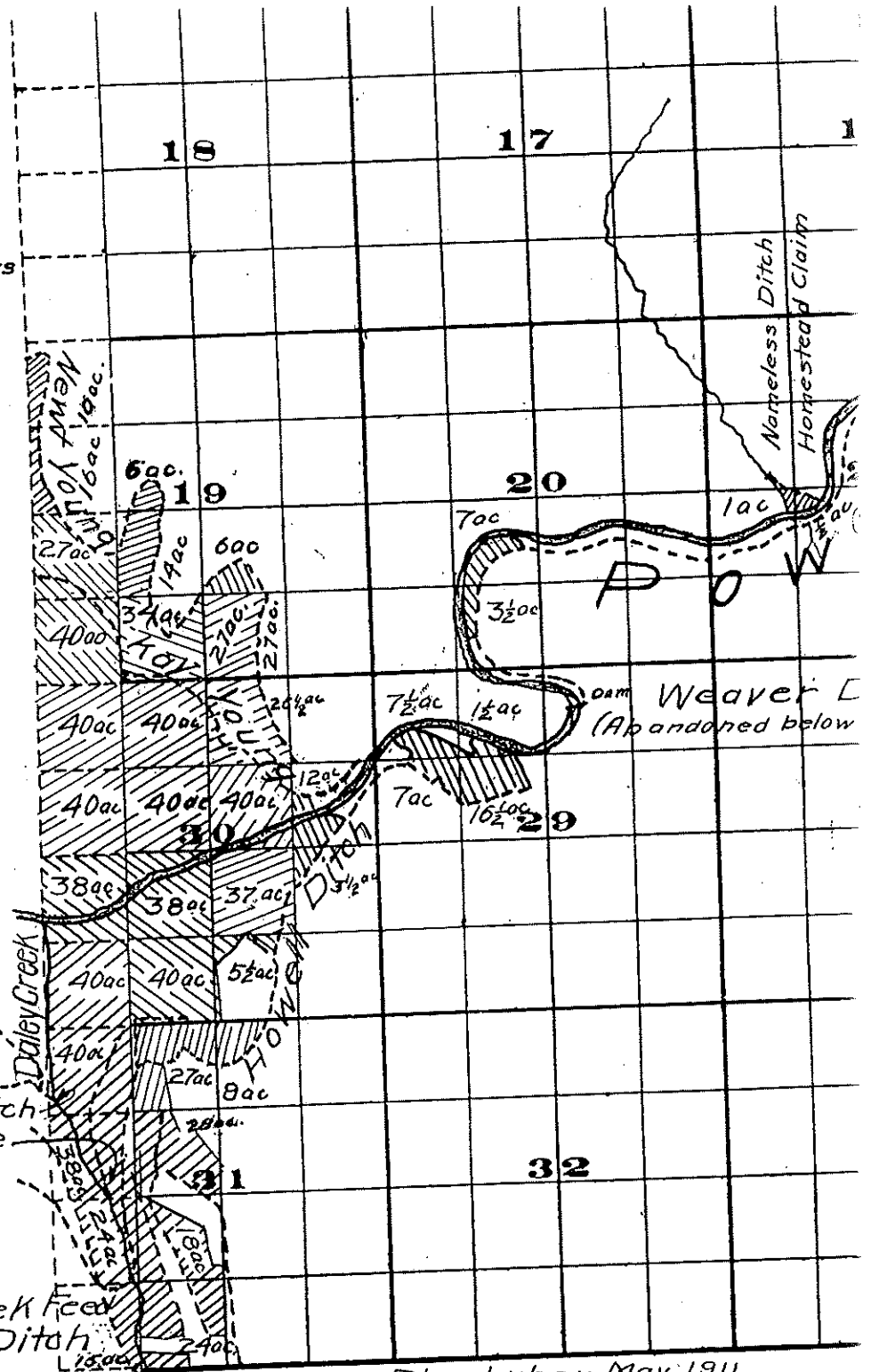
*Amnd*

Mt Young  
 J.L. Coffinbery  
 D.H. Conrad  
 E. Riggs  
 L. Holcomb  
 E. Shumaker  
 E. Sullivan

Luther Mathews  
 T. Siegle

Pierce  
 Bert Masterson

Weaver  
 Chas Harvel



Survey By Rhea Luber May 1911

Scale of Feet.



Irrigated land with area



Ditches



Streams

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete **one** of the following):

<input type="checkbox"/> Certificated Right	<u>72199</u> Certificate Number	<u>V6 P.291 PR</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: Daly Cr Pastoral Co.  
 County: Baker Authorized Use(s): Ir

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: Daly Cr. ; ?

Tributary to: \_\_\_\_\_

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* Eagle

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers?* \_\_\_\_\_  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: Eagle Cr will be canceled

---



---



---



---

Certificate Number or other identifying number from Page 3: C-72199

A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Is the entire water right identified on Page 3 affected by this transfer?  Yes  No

If "Yes", the remainder of this page need not be completed.

If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
9	3	45 E	W.M	28	NWSE	Howell Ditch

**Location of Existing Authorized Place of Use to be Changed:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
9	5	45 E	W.M	35	SENE	POD / 17 <sup>2</sup> POD#2 only
				36	NE NE	POD / 1 1/2 (15 <sup>5</sup> cancel) POD#2 & 3
				36	NW NE	POD / 15 <sup>2</sup> POD#2 & 3
				36	SW NE	/ 21 <sup>5</sup> POD#2 only
				1	SE NE	/ 30 <sup>0</sup> POD#2 only
					NE NW	/ 16 <sup>5</sup> POD#2 & 3
					NW NW	/ 10 <sup>2</sup> POD 2 & 3
					SW NW	/ 36 <sup>5</sup> POD#2 only
					SE NW	/ 25 <sup>5</sup> POD#2 only
		↓		36	NW SW	/ 4 <sup>5</sup> POD#2 only
		46		30	NW SE	/ 3 <sup>4</sup> Daily POD #3 (2 <sup>2</sup> POD)
		1		30	SW SE	/ 8 <sup>2</sup> Daily POD 1
				31	NW NE	/ 9 <sup>0</sup> Daily POD 1
				31	NE NW	/ 19 <sup>0</sup> POD #1 & 3
↓	↓	↓	↓	31	NW NW	/ 18 (10 <sup>2</sup> cancel) POD #1 & 3

\* Eagle Cr Canceled as a source

**5. PROPOSED CHANGES TO THE WATER RIGHT**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Certificate Number or other identifying number from *Section 4*: C-72199

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
10	5	46	E	WM	7	NWNE	-	POD #1: 1280'S & 1080'E FM N¼ cor, Sec 7
"	"	"	"	"	6	NESW	-	POD #2: 980'S & 2380'E FM W¼ cor, Sec 6
"	"	"	"	"	6	NENW	-	POD #3: 11690'N & 11700'E FM W¼ cor Sec 6

*Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

**Location of Proposed Place of Use:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
			31	NENW		0.2 POD 1 & 3
			36	SESW		1.0 POD 2
			36	NESW		1.0 POD 2

*Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

STATE OF OREGON  
 COUNTY OF BAKER  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DALY CREEK PASTORAL., CO  
 P.O. BOX 29  
 GLENBROOK, NV 89413

confirms the right to use the waters of EAGLE CREEK AND DALY CREEK, a tributary of POWDER RIVER for IRRIGATION of 264.0 acres of land.

This right was confirmed by decree of the Circuit Court of Oregon for BAKER County. The decree is of record at Salem, Record of the WATER RESOURCES DIRECTOR, in Volume 6, at P date of priority is JULY 12, 1901.

The use is limited to 6.60 CUBIC FEET PER SECOND or its case of rotation.

The point of diversion is located as follows:

HOWELL DITCH

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

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

- - - - -  
 17.0000+  
 21.5000+  
 30.0000+  
 36.5000+  
 25.0000+  
 4.5000+  
 6.3000+  
 8.2000+  
 9.0000+  
 19.0000+  
 28.0000+  
 205.0000T

Transfer  
 .17 SE1/4 NE1/4 17.0 ACRES  
 SECTION 35

~~1/2~~ NE1/4 NE1/4 17.0 ACRES - 15<sup>5</sup> cancel  
~~15.0~~ NW1/4 NE1/4 15.0 ACRES  
~~21.5~~ SW1/4 NE1/4 21.5 ACRES  
~~30.0~~ SE1/4 NE1/4 30.0 ACRES  
~~16.5~~ NE1/4 NW1/4 16.5 ACRES  
~~10.0~~ NW1/4 NW1/4 10.0 ACRES  
~~36.5~~ SW1/4 NW1/4 36.5 ACRES  
~~25.5~~ SE1/4 NW1/4 25.5 ACRES  
~~4.5~~ NW1/4 SW1/4 4.5 ACRES

Section 36  
 TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

~~3~~ <sup>4</sup> ~~(NW)~~ <sup>9</sup> ~~(SW)~~ NW1/4 SE1/4 6.3 ACRES  
~~8.2~~ SW1/4 SE1/4 8.2 ACRES  
 SECTION 30

~~9~~ NW1/4 NE1/4 9.0 ACRES  
~~19~~ NE1/4 NW1/4 19.0 ACRES  
~~28~~ NW1/4 NW1/4 28.0 ACRES - 10<sup>0</sup> cancel  
 SECTION 31  
 TOWNSHIP 9 SOUTH, RANGE 46 EAST, W.M.

*RR*  
*RR - Daly*  
*RR*

This certificate describes that portion of the water right confirmed by Certificate (4674) issued in the name of Howell Ditch Company, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Director entered on APR 15 1996, 1996, and recorded in Special Order Volume 50, Page 200, approving a petition by Dan L. Forsea & Sons, Inc. under ORS 541.329. This certificate

RR C-72199





4671  
Holcomb, J. N.  
New Bridge, Oregon  
(Finding #30)

1878

1

Irrigation

Newt  
Young

Eagle  
Creek

Lots 9, 10, 11 and 12  
Block 1  
Lot 12, Block 4  
New Bridge, Oregon

4672  
Holcomb, W. A.  
Richland, Oregon

1892

20

Irrigation

Newt  
Young

Eagle  
Creek

20 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 24  
T 9 S. R. 45 E. W. M.

4673  
Howard, Mary H.  
Richland, Oregon

1878

.4

Irrigation

Kay  
Young

Eagle  
Creek

Lots 8 and 9, Block 3  
Richland, Oregon

4674  
Howell Ditch Company  
Richland, Oregon

July 12  
1901

392

Irrigation

Howell

Eagle  
and  
Daly

17 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 35  
37.37 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 25

(Finding #30)

C 72442

SDP 1000

60 ac.

Imp...  
Sem...  
60 ac.

Daly Cr

(37 SE SE 25)  
(23 NE NE 36) 1863

17	23.40	acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
15	15.30	acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
2/5	21.5	acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
30	30	acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
16.5	35.20	acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
10	10	acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
36.5	36.5	acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
25.5	25.5	acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
4.5	4.5	acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$

T 9 S. R. 45 E. W. M.

Section 36

POWDER RIVER -185-  
(EAGLE CREEK)

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Face of Use
Howell Ditch Company (continued)	(For other acreage, see name of user)						
4675 Jasper, F. G. New Bridge, Oregon (Finding #30)	1877		64	Irrigation	Newt Young and Moody	Eagle Creek and	30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 T 9 S. R. 45 E. W. M.
<del>4676</del> <i>See Howell #49/85, 52945</i> Jasper, W. C. New Bridge, Oregon (Finding #30)	1898		19.7	Irrigation	Tobin	Eagle Creek	8.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 11.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11
T 9450 Sp. Or. V. 33 P. 310	1883		<del>38.28</del>	Irrigation	Newt Young	Eagle Creek	0.25 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.24 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 7.39 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 T 9 S. R. 45 E. W. M.
4677 Jennings, Fannie Richland, Oregon (Finding #30)	1880		0.5	Irrigation	Kay Young	Eagle Creek	Lots 9 and 10, Block 1 in Duffy's Addition to Richland, Oregon
4678 Jones, Martha New Bridge, Oregon	1877		.75	Irrigation	Newt Young	Eagle Creek	0.50 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.25 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10

*371*  
*307*  
*188-1-30*  
Row 3  
37  
82  
9  
19  
28  
Section 30  
T 9 S. R. 46 E. W. M.

**Before the Water Resources Commission  
Baker County**

**FINAL ORDER**

Pursuant to ORS 541.327 a petition requesting approval and acceptance of an individual petitioner's maps, within qualifying organizations, showing the location and use of all water rights within and served within the petitioned area was submitted to the Oregon Water Resources Department on May 17, 1993, by the petitioner:

Dan L. Forsea & Sons, Inc.  
Route 1, Box 90  
Richland, Oregon 97870

The water rights to be modified are all or portions of those rights evidence by Certificates, hereinafter called Rights of Record, numbered 4592, 4674, 4768, 52953, 52954, and 56452 of the State record of Water Right Certificates. The affected portion of these rights allow the use of the waters of Eagle Creek, tributary to Powder River, for irrigation of 314.5 acres and the waters of Crater Lake Reservoir, tributary to Kettle Creek, for supplemental irrigation of 14.2 acres as described below in TABLE 1:

**TABLE 1  
Rights to be modified by this order**

Cert.	Priority	Use	Acres	1/4, 1/4	Sec	Twp	Rng	Source
4768	1872	IR	2.7	SE NE	22	9S	45E	EAGLE CREEK
4592	1878	IR	20.4	SE NW	25	9S	45E	EAGLE CREEK
4592	1878	IR	31.9	SW NE	25	9S	45E	EAGLE CREEK
4592	1878	IR	40.0	NE SW	25	9S	45E	EAGLE CREEK
4592	1878	IR	40.0	SE SW	25	9S	45E	EAGLE CREEK
4592	1878	IR	40.0	NW SE	25	9S	45E	EAGLE CREEK
52953	1885	IR	4.3	NE NE	22	9S	45E	EAGLE CREEK
52954	1885	IR	7.2	NE NE	22	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	15.0	NW NE	36	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	23.0	NE NE	36	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	37.0	SE SE	25	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	3.5	NE NW	36	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	30.7	NW SE	30	9S	46E	EAGLE CREEK
4674	7-12-1901	IR	18.8	SW SE	30	9S	45E	EAGLE CREEK
56452	12-28-1962	IS	11.5	NE NE	22	9S	45E	CRATER LAKE
56452	12-28-1962	IS	2.7	SE NE	22	9S	45E	CRATER LAKE
<b>TOTAL</b>			<b>328.7 acres</b>					

The petitioner seeks certificates confirming the present place of use and uses as described in TABLE 2:

**TABLE 2**  
**Requested Location and Use (the Petition)**

Cert.	Priority	POD	Use	Acres	1/4, 1/4	Sec	Twp	Rng	Source
4768	1872	2	IR	2.7	NE NE	22	9S	45E	EAGLE CREEK
4592	1878	2	IR	4.3	NE NE	22	9S	45E	EAGLE CREEK
4592	1878	2	IR	14.8	NE NE	22	9S	45E	EAGLE CREEK
4592	1878	4	IR	20.8	NW NW	23	9S	45E	EAGLE CREEK
4592	1878	2	IR	0.2	SW NW	23	9S	45E	EAGLE CREEK
4592	1878	1	IR	12.2	SW NW	23	9S	45E	EAGLE CREEK
52953	1885	3	IR	0.3	NE NE	22	9S	45E	EAGLE CREEK
52953	1885	2	IR	0.3	NE NE	22	9S	45E	EAGLE CREEK
52954	1885	4	IR	7.2	NE NE	22	9S	45E	EAGLE CREEK
52953	1885	3	IR	0.7	SE NE	22	9S	45E	EAGLE CREEK
52953	1885	2	IR	3.0	SE NE	22	9S	45E	EAGLE CREEK
4674	7-12-1901	4	IR	13.7	NW NW	23	9S	45E	EAGLE CREEK
4674	7-12-1901	4	IR	23.9	SW NW	23	9S	45E	EAGLE CREEK
4674	7-12-1901	4	IR	3.2	SE NW	23	9S	45E	EAGLE CREEK
56452	12-28-1962	4	IS	7.2	NE NE	22	9S	45E	CRATER LAKE
56452	12-28-1962	2	IS	4.3	NE NE	22	9S	45E	CRATER LAKE
56452	12-28-1962	2	IS	2.7	NE NE	22	9S	45E	CRATER LAKE
TOTAL				121.5	acres				

In the proposed order two items were incorrectly typed: 1) In table 1 under Certificate 4674, the range was typed as 45E, the true location is 46E. 2) Throughout the proposed order the petitioner's name was stated as Daniel L. Forsea & Sons, Inc., the correct name is Dan L. Forsea & Sons, Inc. These items have been corrected herein.

**The point of diversion locations for petition areas are described as follows:**

Diversion Point 1: Gover Ditch - being within the NE1/4 NE1/4, Section 22, Township 9 South, Range 45 East, W.M.; 1640 feet North and 290 feet West from East 1/4 corner of Section 22, Township 9 South, Range 45 East, W.M.

Diversion Point 2: Little Eagle Ditch - being within the SE1/4 SE1/4, Section 15, Township 9 South, Range 45 East, W.M.; 250 feet North and 1020 feet West from the SE corner of Section 15, Township 9 South, Range 45 East, W.M.

Diversion Point 3: Kay Young Ditch - being within the SE1/4 NW1/4, Section 10, Township 9 South, Range 45 East, W.M.; 1700 feet South and 2450 feet East from the NW corner of Section 10, Township 9 South, Range 45 East, W.M.

Diversion Point 4: Nash Ditch - being within the SW1/4 SE1/4, Section 10, Township 9 South, Range 45 East, W.M.; 590 feet North and 2720 feet East from the SW corner of Section 10, Township 9 South, Range 45 East, W.M.

Of the 328.7 acres to be modified by this order, 207.2 acres are no longer irrigated and the owners, by petition and letter, have requested that the same be canceled. The rights to be canceled are described in TABLE 3:

**TABLE 3**  
**Rights to be Canceled**

Cert.	Priority	Use	Acres	1/4, 1/4	Sec	Twp	Rng	Source
4592	1878	IR	40.0	NESW	25	9S	45E	EAGLE CREEK
4592	1878	IR	40.0	SESW	25	9S	45E	EAGLE CREEK
4592	1878	IR	40.0	NWSE	25	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	19.2	NENE	36	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	15.0	NWNE	36	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	3.5	NENW	36	9S	45E	EAGLE CREEK
4674	7-12-1901	IR	30.7	NWSE	30	9S	46E	EAGLE CREEK
4674	7-12-1901	IR	18.8	SWSE	30	9S	46E	EAGLE CREEK
			<b>TOTAL</b>	<b>207.2 acres</b>				

The Director has examined the petition and map submitted by Dan L. Forsea & Sons, Inc. and the Report of Findings prepared by Department staff. The petition and Report of Findings are on file at the Water Resources Department. Based on the examination and report, the Director finds:

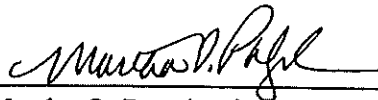
1. Dan L. Forsea & Sons, Inc. filed an individual petition and map in a timely manner, as required by ORS 541.327.
2. Dan L. Forsea & Sons, Inc. is an individual petitioner within the service boundaries of the Eagle Valley Irrigation District. The petitioned lands are served by Kay Young Ditch Company, Little Eagle Ditch Company, and Gover Ditch Company, all formed prior to 1917, and are the qualifying organizations as defined in ORS 541.325.
3. The content and quality of Dan L. Forsea & Sons, Inc's petition and map meet the requirements of ORS 541.329.
4. The acreage petitioned is within the limits of the eligible water rights and the limits set in ORS 541.331(4).
5. The petitioner has met the notice requirements under ORS 541.329 (4) and (5).  
No protest pursuant to ORS 541.331(1) were filed.
6. The proposed changes may be made without injury to existing water rights.
7. Idaho Power Company, the owner of a portion of those rights listed in TABLE 3, has requested the cancellation of 207.2 acres of their rights.

8. The original irrigation season, rates, and all other conditions and limitations contained in the original water right certificates will remain in effect for all rights petitioned.
9. Dan L. Forsea & Sons, Inc. has met the requirements of ORS 541.325 to 541.333 for issuance of a new certificate confirming the present use and place of use of the petitioned water rights.

THEREFORE, it is hereby **ORDERED** that:

- 1) The petition and map filed by Dan L. Forsea & Sons, Inc. is accepted and approved.
- 2) Certificates 4592, 4674, 4768, 52953, and 52954, and 56452 are canceled.
- 3) A new certificate of water right conforming to the approved petition for irrigation of 107.3 acres, as listed in TABLE 2, shall be issued to Dan L. Forsea & Sons, Inc.
- 4) A new certificate(s) superseding Certificate 56452 will be issued to the Eagle Valley Irrigation District to confirm the portion of the water right modified by this order (14.2 acres supplemental irrigation), the portion of the water right to be modified by petitions filed by Waterbury-Allen Ditch Company, John Wright, Tobin Ditch Company, and Dry Gulch Ditch Company pursuant to ORS 541.325 to 541.333, and to document any portions of said right NOT affected by petitions submitted under ORS 541.329.
- 5) The right to irrigate those lands listed in TABLE 3, pursuant to ORS 541.325-541.333 and ORS 540.621, is canceled.
- 6) Remaining right certificates shall be issued for those portions of the canceled certificates not modified by this order or any other order issued pursuant to ORS 541.325 to 541.333.
- 7) The original irrigation season, rate, duty, and all other conditions and limitations contained in the original water right certificates shall remain in effect for all rights.

WITNESS the signature of the Water Resources Director, affixed APR 15 1996,  
1996.

  
\_\_\_\_\_  
Martha O. Pagel, Director

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete **one** of the following):

<input type="checkbox"/> Certificated Right	<u>72610</u> Certificate Number	<u>V.6 P291 (PR)</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: Charles V. Howell

County: Baker Authorized Use(s): Irr

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* \_\_\_\_\_

Source(s) of Water Listed on Right: Powder R. & Daly Cr  
 Tributary to: Snake R & Powder R.

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers?* \_\_\_\_\_  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



Certificate Number or other identifying number from **Page 3**: C-72610

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on **Page 3** affected by this transfer?  Yes  No  
*If "Yes", the remainder of this page need not be completed.*

*If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
						Powder-Beaver or r/hwell

**Location of Existing Authorized Place of Use to be Changed:**

Township		Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
9	S	45	E	wn	36	NENE	17 <sup>0</sup> (1863)
						NWNE	3 <sup>0</sup> (1890)
						NWNE	7 <sup>0</sup> (1890)
						NENW	16 <sup>5</sup> (1890)
						NWNW	8 <sup>0</sup> (1890)
							8 <sup>2</sup> (1890)

DAL (POD) #2 &  
 Powder (POD) River  
 River Pump  
 Powder (POD) #2 & 3  
 Powder (POD) #2 & 3  
 River Pump  
 Powder (IS) River Pump  
 70' LC



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHARLES V. HOWELL  
RICHLAND, OREGON 97870

confirms the right to use the waters of Powder River, tributary of Snake River, and Daly Creek, tributary of Powder River for irrigation of 59.5 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for CROOK COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The date of priority is the year August 1863 for 17.0 acres from Daly Creek and 1890 for 42.5 acres from Powder River.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1/40 of one cubic feet per second per acre. The use hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

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

*OK*

*Love Ditch*  
Daly Creek - (priority August 1863)  
 NE 1/4 NE 1/4 17.0 Acres - *cancel Eagle & tran to POD # 243 Dec*  
Powder River - (priority 1890) *Beaver on Howell ditch*  
 NW 1/4 NE 1/4 10.0 Acres *3<sup>rd</sup> (P) 7<sup>th</sup> Reduce to IS*  
 NE 1/4 NW 1/4 16.5 Acres *Reduce to IS*  
 NW 1/4 NW 1/4 16.0 Acres *8<sup>th</sup> (P) 8<sup>th</sup> Reduce to IS*  
 Section 36  
 Township 9 South, Range 45 East, WM

*COMED  
Sample*

(Lands irrigated are also supplied from Eagle Creek under date of 1901 through Howell Ditch).

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 4231, Volume 5, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on August 12, 1996.

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

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

WITNESS the signature of the Water Resources Director, affixed August 12, 1996.

*Martha O. Pagel*  
 \_\_\_\_\_  
 Martha O. Pagel  
 Water Resources Director

Recorded in State Record of Water Right Certificates numbered 72610.

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That CHARLES V. HOWELL

of Richland, State of Oregon has a right to the use of the waters of Powder River, tributary of Snake River, and Daly Creek, tributary of Powder River for the purpose of the irrigation of 150 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 May 20, 1909 for 80 acres; August 1863 for 60 acres and 1890 for 60 acres

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:

80 acres in the Southwest quarter of Southeast quarter of Section Twenty-five, Township Nine South, Range Forty-five: 37 acres in the Southeast quarter of Southeast quarter of Section Twenty-five: 28 acres in the Northeast, quarter of Northeast quarter; 10 acres in the Northwest quarter of Northeast quarter; 20 acres in the Northeast quarter of Northwest quarter and 80 acres in the Northwest quarter of Northwest quarter of Section Thirty-six, Township Nine South, Range Forty-five, all East of Willamette Meridian, in Baker County, Oregon (Lands irrigated from Daly Creek in Sections 25 and 36 and from Powder River in Section 36 are also supplied from Eagle Creek under date of 1901 through Howell Ditch)

Handwritten calculations: 30° SWSE-30.0 = 0, 37° SESE -37.0 = 0, Sec 25, 23° NENE -6.0 = 17.0 Rem (1883), 10° NWNE - 0 = 10.0 " (1890), 20° NENW-3.5 = 16.5 " (1890), 30° NWNW-14.0 = 16.0 " (1890), Sec 36

Handwritten note: C-72610

Handwritten note: V. 50 P538 canceled as well V. 51 P.424 Superceeds

(Eagle Cr. Supplemental) 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 4231

These lands may be covered in part by Brownlee Reservoir See H.E. License File

Name and Postal Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Horn, J. E. Baker, Oregon	X 1871		152	Irrigation	Estes	Powder	40 acres in NE1SW1 32 acres in NW1SW1 40 acres in SW1SW1 40 acres in SE1SW1 Section 32 T 8 S. R. 40 E. W. M.
Horn, Morini Union, Oregon	X 1886		74.5	Irrigation	Coffman	Big Creek	3.5 acres in NE1SW1 23 acres in SE1SW1 12 acres in NW1SE1 38 acres in SW1SE1 Section 26 T 6 S. R. 41 E. W. M.
Howard, H. F. Haines, Oregon	X April 1884		20	Irrigation	Bliza	Rook Creek	20 acres in SW1NE1 Section 3b T 7 S. R. 38 E. W. M.
Howell, Charles V. Richland, Oregon	X May 20 1899		30	Irrigation	Howell- Brooks & Jefford	Powder	30 acres in SW1SE1 - 30 = 0 Section 25 T 9 S. R. 45 E. W. M.
	X Aug. 1883		60	Irrigation	Love	Daly Creek	37 acres in SE1SE1 - 37 = 0 Section 25
	X 1890		60	Irrigation	Beaver or Howell	Powder	23 acres in NE1NE1 - 6 = 17 10 acres in NW1NE1 - 0 = 10 20 acres in NE1NW1 - 3.5 = 16.5 30 acres in NW1NW1 - 14 = 16.0 Section 36 T 9 S. R. 45 E. W. M. (Lands irrigated from Daly Creek in Sections 25 & 36 and from Powder River in Section 36 are also sup- plied from Eagle Creek under date of 1901 through Howell Ditch.)
			75				
Henry, Charles Baker, Oregon (Finding #86)	X 1888		77	Irrigation	Holman	South Sutton	14 acres in NW1NW1 Section 20 20 acres in NE1NE1 23 acres in SE1NE1 20 acres in NE1SE1 Section 19 T 10 S. R. 41 E. W. M.
Hudson, Amanda Baker, Oregon	X Nov. 17 1889		40	Irrigation	Williams McDougal	Powder	20 acres in NE1SW1 20 acres in SW1SW1 Section 3 T 9 S. R. 40 E. W. M.
Hudspeth, Josephine Sumpter, Oregon (Successor in interest to Martha J. Jennings.)	X 1907 X 1909		45 10.3	Irrigation Irrigation	Cook & Edeson Gulch McEwen Valley Irrigat- ion Company	Cook & Edeson Gulch Powder	20 acres in NE1SW1 25 acres in SE1SW1 Section 19 7.2 acres in NE1SW1 Section 19 3.1 acres in NW1NW1 Section 30 T 10 S. R. 38 E. W. M.

*Cancelled  
7.7.610  
Superior 120 Suppl.*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT IN ) ORDER  
CHARLES V. HOWELL )

The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned a portion of the water right appurtenant to the land and requests the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Idaho Power Company. The affidavit stated they are the owners of the land and the water right as evidenced by a portion of Certificate 4231. The affidavit further states, the right appurtenant to 30.0 acres within the SW 1/4 SE 1/4 (priority May 20, 1909), 37.0 acres with the SE 1/4 SE 1/4, Section 25, 6.0 acres within the NE 1/4 NE 1/4 (priority August 1863), 14.0 acres within the NW 1/4 NW 1/4, and 3.5 acres within the NE 1/4 NW 1/4 (priority 1890), Section 36, Township 9 South, Range 45 East, WM, has been abandoned and requests that portion of the certificate be canceled.

State Record of Water Rights Certificate number 4231 allows for the use of 1/40 of one cubic foot per second (cfs) of water per acre from the Powder River, tributary of Snake River and Daly Creek tributary of Powder River for irrigation of 150.0 acres.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under an oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 4231 allowing for the use of 1/40 cfs of water per acre from Powder River and Daly Creek, for the irrigation of 90.5 acres, State Record of Water Right Certificates is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated August 12, 1996.

  
Martha O. Pagel, Director

30<sup>0</sup> SWSE  
37 SESE  
2225  
6<sup>2</sup> NENE  
4<sup>2</sup> NWNW  
3<sup>5</sup> NENW  
36

It is further ORDERED that Certificate 4028 is for irrigation on the following lands in Section 30, T9S R46E, WM:

38.0 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 28.0 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$  under a priority of 1876;

10.0 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$  under a priority of 1907

and the water right evidenced by same, be and the same is hereby CANCELLED in its entirety.

It is further ORDERED that Certificate 4231 and that portion of the right evidenced by Certificate 4231 for irrigation of the following lands in Township 9 South, Range 45 East, WM, be and the same is hereby CANCELLED:

37.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$

Section 25

6.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$

Section 36

under priority August 1863

30.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$  in Section 25, under priority May 20, 1909

3.5 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$

14.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$

Section 36

under priority 1890

*Already been  
Cancelled VSO p. 538*

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands not cancelled in this proceeding:

17.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  under priority August 1863, 10.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 16.5 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 16.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$ , under priority 1890, all in Section 36, T9S, R45E, W.M.

It is further ORDERED that Certificate 4264 for irrigation on 38.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, T9S, R45E, W.M., under priority dates of 1902 and 1904, and the water right evidence by said certificate, be and the same is hereby CANCELLED in its entirety.

It is further ORDERED that Certificate 4590, and the portion of the right evidenced thereby, for primary irrigation of 26.3 acres located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and supplemental irrigation of 1.3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, T9S, R45E, WM, be and the same is hereby CANCELLED.

It is further ORDERED that a new certificate shall be issued evidencing the portion of the right for irrigation of the following lands not cancelled in this proceeding:

Primary irrigation 40.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 13.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  in Section 25, T9S, R45E, W.M., from Eagle Creek under a priority of 1885, and supplemental irrigation of 13.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 25, T9S, R45E, WM from Powder River, Augustus or Jeffords Ditch under priority 1880.

It is further ORDERED that Certificate 4611, and the portion of the right evidenced thereby, for irrigation use on 21.4 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 6.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$  in Section 30, T9S R46E W.M. under priority July 12, 1900, be and the same is hereby CANCELLED.

Horn, Morini  
Union, Oregon

1885

74.5 Irrigation

Coffman

Big Creek

40 acres in SW 1/4 SW 1/4  
40 acres in SE 1/4 SW 1/4  
Section 32  
T 8 S. R. 40 E. W. M.

C-423

Howard, H. F.  
Haines, Oregon

April  
1894

20

Irrigation

Blize

Rock  
Creek

20 acres in SW 1/4 NE 1/4  
Section 35  
T 7 S. R. 38 E. W. M.

4231 Cave Spail vs P-538 & 1517423  
Howell, Charles V. (May 20,  
Richland, Oregon 1909

1909

30

Irrigation

Howell -  
Brooks &  
Jefford

Powder  
Creek

20 acres in SW 1/4 SE 1/4  
Section 25  
T 9 S. R. 45 E. W. M.  
1909

RR CERT 72610  
10 Powell R. 1890

Aug.  
1863

60

Irrigation

Love

Daly  
Creek

17 0  
625 acres in NE 1/4 NE 1/4  
Section 25  
T 9 S. R. 45 E. W. M.  
1863

1890

1890

60

Irrigation

Beaver  
or Howell

Powder  
Creek

10 acres in NW 1/4 NE 1/4  
Section 25  
T 9 S. R. 45 E. W. M.  
1890

Howry, Charles  
Baker, Oregon

1888

77

Irrigation

Holman

South  
Sutton

14 acres in NW 1/4 NW 1/4  
Section 20  
20 acres in NE 1/4 NE 1/4  
23 acres in SE 1/4 NE 1/4  
20 acres in NE 1/4 SE 1/4  
Section 19  
T 10 S. R. 41 E. W. M.

(Finding #85)

Hudson, Amanda  
Baker, Oregon

Nov. 17  
1899

40

Irrigation

Williams  
McDougal

Powder

20 acres in NE 1/4 SW 1/4  
20 acres in SW 1/4 SW 1/4  
Section 3



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHARLES V. HOWELL  
RICHLAND, OREGON 97870

confirms the right to use the waters of Powder River, tributary of Snake River, and Daly Creek, tributary of Powder River for irrigation of 59.5 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for CROOK COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The date of priority is the year August 1863 for 17.0 acres from Daly Creek and 1890 for 42.5 acres from Powder River.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1/40 of one cubic foot per second per acre. The use hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

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

Daly Creek - (priority August 1863)

NE 1/4 NE 1/4 17.0 Acres

Powder River - (priority 1890)

NW 1/4 NE 1/4 10.0 Acres

NE 1/4 NW 1/4 16.5 Acres

NW 1/4 NW 1/4 16.0 Acres

Section 36

Township 9 South, Range 45 East, WM


(Lands irrigated are also supplied from Eagle Creek under date of 1901 through Howell Ditch).

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 4231, Volume 5, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on August 12, 1996.

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

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

WITNESS the signature of the Water Resources Director, affixed August 12, 1996.

  
Martha O. Page  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 72610.

**4. CURRENT WATER RIGHT INFORMATION**

*A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	<u>72611</u> Certificate Number	<u>17779</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	_____ Permit Number	_____ Completion Date of Permit

Name on Permit, Certificate, or Decree: Idaho Power Co.

County: Baker Authorized Use(s): Irr.

Are there multiple **Priority Dates** identified on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* 5/31/1947

Source(s) of Water Listed on Right: Powder R.  
 Tributary to: Snake

Are there other **Sources** listed on the water right?  Yes  No  
*If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* \_\_\_\_\_

Are there **Other Water Rights** or permits associated with this land?  Yes  No  
*If "Yes", what are the Permit or Certificate Numbers?* \_\_\_\_\_  
*Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.*

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Certificate Number or other identifying number from Page 3: C-72611

*A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.*

Is the entire water right identified on Page 3 affected by this transfer?  Yes  No

*If "Yes", the remainder of this page need not be completed.*

*If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
9	S	45	E	WM 25	SWSE	

**Location of Existing Authorized Place of Use to be Changed:**

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
						14.4 (POU)
						7.8 (POU)
						10 <sup>0</sup> (POU)

*Diminish) cancel:  
Diminish)  
& Diminish) cancel:*

**5. PROPOSED CHANGES TO THE WATER RIGHT**

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Certificate Number or other identifying number from Section 4: C-724611

**Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
						PR Pump; 300'S & 80'W
						FM NE cor, sec 35

Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

**Location of Proposed Place of Use:**

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)

Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF OREGON  
COUNTY OF BAKER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

IDAHO POWER COMPANY  
1220 IDAHO STREET  
BOISE, IDAHO 83702

confirms the right to use the Powder River, a tributary of Snake River, for irrigation of 51.5 acres.

This right was perfected under Permit 17779. The date of priority is May 31, 1947. The use is limited to 1.29 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 SE 1/4, Section 25, NW 1/4 NW 1/4, Section 36, Township 9 South, Range 45 East, WM

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

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

NE 1/4 NE 1/4	17.0 ACRES	- 2 <sup>6</sup> cancel - 14 <sup>4</sup> Diminish/PDR River
NW 1/4 NE 1/4	7.8 ACRES	- 7 <sup>8</sup> Diminish/PDR River
NE 1/4 NW 1/4	16.5 ACRES	CANCEL
NW 1/4 NW 1/4	10.2 ACRES	- 2 <sup>0</sup> cancel - 3 <sup>0</sup> Diminish/PDR River Rump

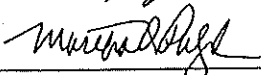
Section 36  
Township 9 South, Range 45 East, WM

This certificate describes that portion of the water right confirmed by the prior Certificate 23417, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered August 12, 1996

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

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

WITNESS the signature of the Water Resources Director, affixed August 12, 1996.

  
Martha O. Pagel  
Water Resources Director

Recorded in State Record of Water Right Certificates, numbered 72611.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT IN ) ORDER  
IDAHO POWER COMPANY )

The Water Resources Department (Department) received an affidavit from the owner of lands stating they have abandoned a portion of the water right appurtenant to the land and requests the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Idaho Power Company. The affidavit stated they are the owners of the land and the water right as evidenced by a portion of Certificate 23417. The affidavit further states, the right appurtenant to 21.4 acres within the SE 1/4 SE 1/4, Section 25, 16.6 acres within the NE 1/4 NE 1/4 and 4.1 acres within the NE 1/4 NW 1/4, Section 36, Township 9 South, Range 45 East, WM, has been abandoned and requests that portion of the certificate be canceled.

State Record of Water Rights Certificate number 23417 allows for the use of 1.73 cubic feet per second (cfs) of water from the Powder River for irrigation of 93.6 acres.

The portion of Water Right Certificate number 23417 appurtenant to the 42.1 acres, allows for the use of 0.44 cfs of water with a priority date of May 31, 1947.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under an oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 23417 allowing for the use of 0.44 cfs of water from Powder River with a priority of May 31, 1947, for the irrigation of 42.1 acres, State Record of Water Right Certificates is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated August 12, 1996

  
Martha O. Pagel, Director

STATE OF OREGON  
 COUNTY OF BAKER  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify,** That **IDAHO POWER CO.**

of 1220 Idaho Street, Boise, State of Idaho, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Powder River a tributary of Snake River for the purpose of irrigation under Permit No. 17779 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 May 31, 1947

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 1.73 cubic feet 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 $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 36, Township 9 South, Range 45 East, 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 $\frac{1}{2}$  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:

V.50, P.541

0 =	-21.4	21.4 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25
170 =	-16.0	33.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
7.8	-	7.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
16.5	-4.1	20.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
10.2	-	10.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36

Township 9 South, Range 45 East, W.M.

Now C-72611  
 part  
 Canceled Sp. Or. Vol. 51 p. 541

Supervised by  
 Carl No. 72611

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 20th day of November, 1957.

LEWIS A. STANLEY  
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 23417.

These lands may be covered in part by Brownlee Reservoir See H.E. License File

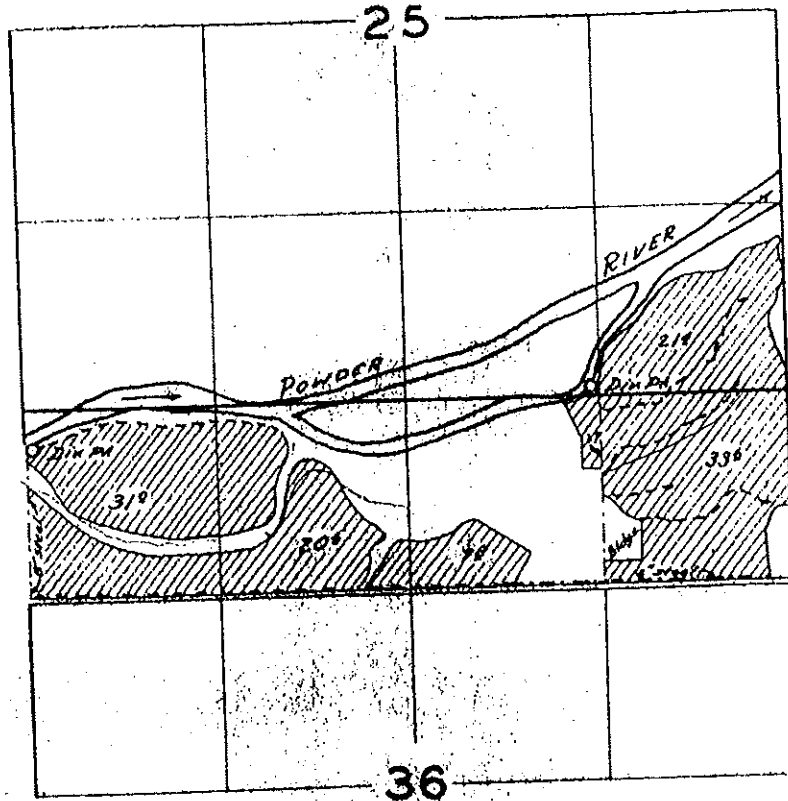
But Sp. Or. Vol. 51 p. 423

**CANCELED**

17779

05-05 = 10

T. 9 S. R. 45 E. W. M.



**FINAL PROOF SURVEY**  
**UNDER**

Application No. 22590... Permit No. 17779....  
 IN NAME OF

*George S. Squish & Cannon McClanahan*

Surveyed June 2, 1956, by *M. B. Bish*.....

*DALY CR RAUCH*

PARTLY UNDER BROWNLEE BACKWATER 888-24-74

C-72611



**6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS**

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?  Yes  No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency?  Yes  No

*If "Yes", for any of the above, list the name and mailing address of the district and/or agency:*

---

---

---

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

---

---

---

**7. LAND OWNERSHIP**

Does the applicant own the lands **FROM** which the right is being transferred?  Yes  No  
*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): \_\_\_\_\_  
First Last

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

City State Zip

Does the applicant own the lands **TO** which the right is being transferred?  Yes  No  
*If "No", provide the following information:*

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

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

City State Zip

Check one of the following:

- The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

## 8. ATTACHMENTS

*Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.*


<p><b>Form A – Evidence of Use Affidavits</b></p> <p><input type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy.</p> <p><b>Form B – Instream Water Right Transfer</b></p> <p><input type="checkbox"/> Required for instream transfers only.</p> <p><b>Map</b></p> <p><input type="checkbox"/> Permanent Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> Permit Amendment, Temporary Transfer, or Other Application A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.</p> <p><b>Evidence of Lien Holder Notification</b></p> <p><input type="checkbox"/> Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.</p> <p><b>Recorded Deed</b></p> <p><input type="checkbox"/> Required for temporary transfers only.</p>	<p><b>Land Use Information Form:</b></p> <p><input type="checkbox"/> Enclosed</p> <p><input type="checkbox"/> Not Required if all of the following are met:</p> <ul style="list-style-type: none"> <li>❶ In EFU zone or irrigation district,</li> <li>❷ Change in place of use only,</li> <li>❸ No structural changes needed, including diversion works, delivery facilities, other structures, and</li> <li>❹ Irrigation only.</li> </ul> <p><b>Water Well Reports/Well Logs:</b></p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> The application is for a surface water transfer and water well reports are not required.</p> <p><b>Fees:</b></p> <p><input type="checkbox"/> Amount enclosed: \$ _____ See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.</p>
---	--

## 9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(18), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	GERALD R. NOWTMY SR. name (print)	25 NOV 05 date
applicant signature	name (print)	date

**Before submitting your application, be sure you have:**

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



# Oregon Water Resources Department Land Use Information Form

T-8828

RECEIVED

JUN 04 2001

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.

WATER RESOURCES DEPT.  
SALEM, OREGON

### 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: Daly Creek Ranch

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Day Phone: \_\_\_\_\_

#### 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)		
<u>6000</u>	<u>EFLD</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input 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. \_\_\_\_\_

#### 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: \_\_\_\_\_

\_\_\_\_\_

#### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond    Ground Water    Surface Water Eagle Creek  
(source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:

\_\_\_\_\_  CFS    GPM    Acre-Feet

### Receipt for Request for Land Use Information

State of Oregon  
Water Resources Department  
Commerce Bldg.  
158 12th St. NE  
Salem, OR 97310-0210  
(503)378-8455

T-8828

**For Local Government Use Only**

The following section must be completed by a planning official from each county and city list, 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); \_\_\_\_\_ 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> 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: David Grant Young Date: 7/28/00  
 Title: Asst. Planner Phone: 541-528-8219  
 Signature: [Handwritten Signature]

**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.

---



---



---



---

**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.)

**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

7-5828

# BAKER COUNTY PLANNING APPLICATION

RECEIVED

Department of Planning & Community Development  
1995 Third Street, Room 160 Baker City, Oregon 97814  
Phone: (541) 523-8219 Fax: (541) 523-8240

JUN 04 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

\*\*\*\*\*

APPLICATION TYPE (check one)

APPLICATION # 1462-00-20

- ] CONDITIONAL USE
  - ] SITE PLAN REVIEW
  - ] MAJOR PARTITION
  - ] MINOR PARTITION
  - ] VARIANCE
  - ] ZONE CHANGE
  - ] ZONE TEXT AMENDMENT
  - ] LAND USE VERIFICATION
  - ] LAND USE COMPATIBILITY
  - ] OTHER (specify) \_\_\_\_\_
- Fee Amount: \$ 20.00

APPLICANT Henley Engineering, Inc. Phone (541) 523-3803

Address P.O. Box 701 City Baker City State OR Zip 97814

PROPERTY OWNER Deereville Business, Inc. Phone \_\_\_\_\_

Address PO Box 859 City Zephyr Cove State NV Zip 89448

## A. REQUEST

- Proposed Land Use (be specific) New POA for Investigation
- Water Supply Public  Creek  Spring  Well  Eagle Creek
- Method Of Sewage Disposal \_\_\_\_\_
- Does the Property Deed Prohibit the Use Proposed In This Application? (circle) Yes / No

## B. PROPERTY INFORMATION

1. Township 9 Range 45 Section (35) Tax Lot(s) 6000

Parcel Size (Acres) 11.04 Tract Size (Acres) \_\_\_\_\_ Inside  Outside  Urban Growth Boundary

2. Site Address WA 3. Access (Name of road) Sumner Drive Road

3. Zoning FE 4. Is the property on Farm/Forest Tax Deferral Yes

5. Overlay Zones (Check all that apply) Airport  Big Game  Flood Hazard  Geologic Hazard   
Surface Mining  Wildfire Hazard  Interpretive Center  Sumpter Valley  Limited Use

10. Does The Property Have Water Rights For Irrigation Yes

11. Current Land Use (timber; farming; residential; etc.) Farmed

12. Existing Structures WA

13. Identify Existing Easements WA

14. Major Topographic Features (streams; ditches; slope; etc.) Eagle Creek

T-8828

**C. STATEMENT OF UNDERSTANDING** (Please initial after reading \_\_\_\_\_ )

- 1. I understand that I have the burden of proving my request meets all applicable ordinance requirements, and that I must address all of the criteria that apply. The criteria for approving or denying my request have been furnished to me as part of this application.
- 2. I understand that planning staff is entitled to request additional information or documentation within 30 days after submission of this application if it is determined such information is needed for a complete application.
- 3. A decision in the form of a report containing findings and conclusions will determine whether all of the applicable standards of development and review criteria for the proposed use have been met. If approved, the decision will constitute my permit.

**D. I HEREBY APPLY FOR THE ABOVE REQUEST.**

By my signature below, I agree to abide by the requirements of the *Baker County Comprehensive Plan*, the *Baker County Zoning and Subdivision Ordinance*, *Oregon Revised Statutes*, and *Oregon Administrative Rules* as they apply to this request. I understand that supplemental materials as determined by the Department are required to process my application.

APPLICANT'S SIGNATURE Tom Hanley DATE 7-28-2000

**E. I HEREBY AUTHORIZE THIS REQUEST BY THE APPLICANT.** (Required signature)

PROPERTY OWNER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

FOR OFFICE USE ONLY

Date Received 7/28/00

Fee Paid 70.00

Received by [Signature]

Receipt # 5289

Date Complete [Signature]



IDAHO POWER COMPANY  
P.O. BOX 70  
BOISE, IDAHO 83707

GIL GREEN SR/WA  
Real Estate Specialist  
phone: (208) 388-2795, fax: (208) 388-6926 e-mail Ggreen@idahopower.com

May 20, 2002

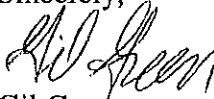
Oregon Water Resources Department  
Attn: Carrie Jones  
1995 3<sup>rd</sup> Street  
Baker City, Or 97814

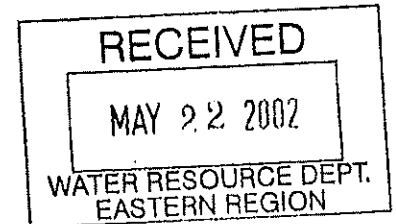
Dear Ms Jones:

Enclosed is the original of the signed affidavit for the transfer of the point of diversion in Transfer Application 8828.

If you have any questions, call me at (208) 388-2795.

Sincerely,

  
Gil Green

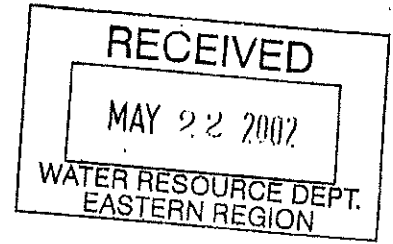


RECEIVED

DEC 06 2023

OWRD

IN THE MATTER OF  
TRANSFER APPLICATION  
8828



AFFIDAVIT

STATE OF OREGON        )  
                                  )S.S.  
COUNTY OF BAKER     )

We, Idaho Power Corp., being duly sworn, do depose and say as follows:

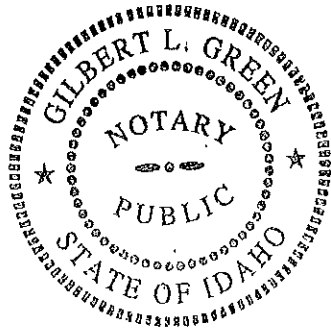
1. Are the owner(s) of the property described as the land denominated as freeboard land and lying between the 2085 feet contour elevation, U.S.G.S. datum, and the pool elevation which normally will be the 2077 foot contour elevation, U.S.G.S. datum. Sections 30 and 31, Township 9 South, Range 46 East and Sections 36 Township 9 South Range 45 East.
2. Have reviewed the location of the proposed point of diversion to reflect historical use in Transfer Application 8828 and have no objections.

DATED May 20, 2002

Roy Hillman  
(NAME PRINTED)

Roy Hillman  
(NAME SIGNED)

Subscribed and sworn before me this 20<sup>th</sup> day of May, 2002.



Gilbert L. Green  
Notary Public for the State of Oregon Idaho  
Residing at Boise, Idaho  
My Commission Expires December, 2003

RECEIVED  
DEC 06 2023  
OWRD





# 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

June 13, 2001

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

Reference: Transfer # **8828**

Enclosed for your review is a copy of a water right transfer application from **Powder River, Eagle Creek and Daly Creek**, tributary of **Snake River and 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 July 15, 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

RECEIVED

DEC 06 2003

OWRD



# 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

June 13, 2001

Daly Creek Ranch  
Gerald Novotny  
P.O. Box 859  
Zephyr Cove, NV 89448

REFERENCE: Transfer 8828

On 06-04-2001 we received your water right transfer application requesting a change in Point of Diversion for use of water from Powder River, Eagle Creek, and Daly Creek. The application was accompanied by \$ 1100.00. Our receipt 45598 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 #241, Thomas Hanley

enclosure

RECEIVED

DEC 06 2003

OWRD





**Oregon Water Resources Department  
Land Use Information Form**

T-8828

RECEIVED

JUN 04 2001

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.

WATER RESOURCES DEPT  
SALEM, OREGON

**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.

RECEIVED

DEC 06 2023

OWRD

**A. Applicant**

Name: Daly Creek Ranch

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Day Phone: \_\_\_\_\_

**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)		
6000	EFLD	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input 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. \_\_\_\_\_

**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: \_\_\_\_\_

**D. Source**

Indicate the source for the proposed water use:

Reservoir/Pond  Ground Water  Surface Water Eagle Creek  
(source)

**E. Quantity**

Indicate the estimated quantity of water the use will require:

CFS  GPM  Acre-Feet

**Receipt for Request for Land Use Information**

State of Oregon  
Water Resources Department  
Commerce Bldg.  
158 12th St. NE  
Salem, OR 97310-0210  
(503)378-8455

T-8828

RECEIVED  
DEC 06 2023  
OWRD

**For Local Government Use Only**

The following section must be completed by a planning official from each county and city list. 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); \_\_\_\_\_ 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> 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: David Grant Young Date: 7/28/00  
 Title: Asst. Planner Phone: 541-523-8219  
 Signature: [Handwritten Signature]

**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.

---



---



---



---

**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.)

**Receipt for Request for Land Use Information**

Name of water right applicant: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

T-5828

RECEIVED

DEC 06 2023

OWRD

**BAKER COUNTY PLANNING APPLICATION**

Department of Planning & Community Development  
1995 Third Street, Room 160 Baker City, Oregon 97814

Phone: (541) 523-8219 Fax: (541) 523-8240

\*\*\*\*\*

RECEIVED

JUN 04 2001

WATER RESOURCES DE  
SALEM, OREGON

APPLICATION TYPE (check one)

APPLICATION # 1462-00

- CONDITIONAL USE
- SITE PLAN REVIEW
- MAJOR PARTITION
- MINOR PARTITION
- VARIANCE
- ZONE CHANGE
- ZONE TEXT AMENDMENT
- LAND USE VERIFICATION
- LAND USE COMPATIBILITY

OTHER (specify) \_\_\_\_\_ Fee Amount: \$ 20.00

APPLICANT Henley Engineering, Inc. Phone (541) 523-3803

Address P.O. Box 701 City Baker City State OR Zip 97814

PROPERTY OWNER Unusable Business, Inc. Phone \_\_\_\_\_

Address PO Box 854 City Zephyr Ave State WV Zip 26446

**A. REQUEST**

1. Proposed Land Use (be specific) Woods POB for Irrigation
2. Water Supply Public  Creek  Spring  Well  Eagle Creek
3. Method Of Sewage Disposal \_\_\_\_\_
4. Does the Property Deed Prohibit the Use Proposed In This Application? (circle) Yes / No

**B. PROPERTY INFORMATION**

1. Township 9 Range 45 Section (36) Tax Lot(s) 2000  
Parcel Size (Acres) 1.00 Tract Size (Acres) \_\_\_\_\_ Inside  Outside  Urban Growth Boundary
2. Site Address WA 3. Access (Name of road) Sumpter Division Road
3. Zoning FE 4. Is the property on Farm/Forest Tax Deferral Yes
5. Overlay Zones (Check all that apply) Airport  Big Game  Flood Hazard  Geologic Hazard   
Surface Mining  Wildfire Hazard  Interpretive Center  Sumpter Valley  Limited Use
10. Does The Property Have Water Rights For Irrigation Yes
11. Current Land Use (timber; farming; residential; etc.) Farmed
12. Existing Structures WA
13. Identify Existing Easements WA
14. Major Topographic Features (streams; ditches; slope; etc.) Eagle Creek

F-8828

C. STATEMENT OF UNDERSTANDING (Please initial after reading \_\_\_\_\_ )

- 1. I understand that I have the burden of proving my request meets all applicable ordinance requirements, and that I must address all of the criteria that apply. The criteria for approving or denying my request have been furnished to me as part of this application.
- 2. I understand that planning staff is entitled to request additional information or documentation within 30 days after submission of this application if it is determined such information is needed for a complete application.
- 3. A decision in the form of a report containing findings and conclusions will determine whether all of the applicable standards of development and review criteria for the proposed use have been met. If approved, the decision will constitute my permit.

D. I HEREBY APPLY FOR THE ABOVE REQUEST.

By my signature below, I agree to abide by the requirements of the *Baker County Comprehensive Plan*, the *Baker County Zoning and Subdivision Ordinance*, *Oregon Revised Statutes*, and *Oregon Administrative Rules* as they apply to this request. I understand that supplemental materials as determined by the Department are required to process my application.

APPLICANT'S SIGNATURE Tom Hanley DATE 7-28-2005

E. I HEREBY AUTHORIZE THIS REQUEST BY THE APPLICANT. (Required signature)

PROPERTY OWNER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RECEIVED  
DEC 06 2023  
OWRD

FOR OFFICE USE ONLY

Date Received 7/28/05  
Received by [Signature]  
Date Complete \_\_\_\_\_

Fee Paid 75.00  
Receipt # 5239

T-8828

AFFIDAVIT

DCR water application 4-26-01.doc

State of Oregon  
County of Baker

I, Gerald R. Novotny, Sr, residing at 2118 The Back Road, Glenbrook, NV 89413, phone 775-749-9166, being first duly sworn depose and say:

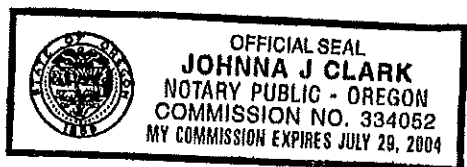
1. I am the manager/owner of the property described as tax lot numbers 6100 and 6200 within Sections 35 and 36, Township 9 south, Range 45E and Tax lot numbers 4300 and 4500, Sections 30 and 31, Township 9 South, Range 46 East of the Willamette Meridian in Baker County, Oregon, as shown on the attached map and made part of this affidavit;
2. Water right certificate numbers C-4004, C-4607, C-4611, C-4665, C-28855, C-72199, C-72610, C-4494 and C-72610 from the Powder River for the purpose of irrigation of 381 acres is appurtenant to the above described property;
3. I am personally familiar with water use on the above-described land. The water right above describe has been exercised under the terms and conditions of said Certificates of Water Right every year for the last five years on the property above described.

Gerald R. Novotny, Sr  
Signature

4/26/01  
Date

Subscribed and Sworn to before me this 26 day of April 2001.

Johnna J Clark  
Notary Public of Oregon



My Commission Expires \_\_\_\_\_

RECEIVED

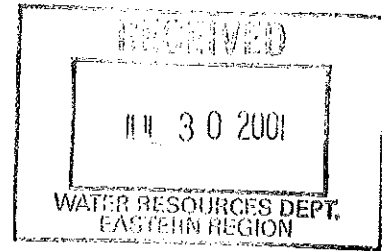
DEC 06 2023

OWRD

RECEIVED

JUN 04 2001

WATER RESOURCES DEPT  
SALEM, OREGON



Tuesday, July 17, 2001

Ms. Carrie Jones  
Well Inspector, Technical, Field Services  
Oregon Water Resources Department  
1995 3rd Street  
Baker City, OR 97814

Dear Carrie,

As requested, I am providing you the affidavit's that show "Evidence of use for more than 10 years".

Yours truly,

A handwritten signature in cursive script that reads "Gerald R. Novotny, Sr.".

Gerald R. Novotny, Sr.  
Manager

RECEIVED

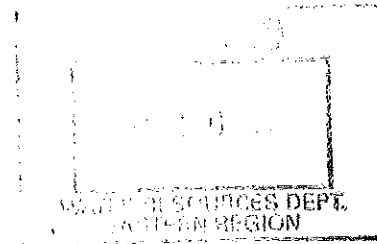
DEC 06 2023

OWRD

*Daly Creek Ranch LLC*  
*PO Box 859*  
*Zephyr Cove, NV 89448*  
*GRNovotny@VersatileBusiness.com*

*(775) 749-9166 (Telephone)*  
*(425) 871-1235 (Facsimile)*





AFFIDAVIT

STATE OF NEVADA )
) ss
County of Douglas )

I, GERALD R. NOVOTNY, being first duly sworn, depose and say that I am the owner of the following described property:

See attached MAP and LEGAL DESCRIPTION

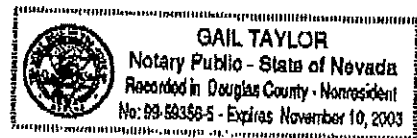
and I have used the quantity of water up to the limits and conditions stated in the certificates, including those listed in the accompanying APPLICATION for water rights transfer, continually within the last five (5) years.

IN WITNESS WHEREOF, I hereunto set my hand this 5 day of September, 2000.

[Signature]
GERALD R. NOVOTNY

Subscribed and sworn to before me this 5 day of September, 2000.

[Signature]
NOTARY PUBLIC FOR NEVADA
My Commission Expires: 11-10-03



RECEIVED
DEC 06 2023
OWRD

**AFFIDAVIT**

STATE OF NEVADA )  
 ) ss  
County of Douglas )

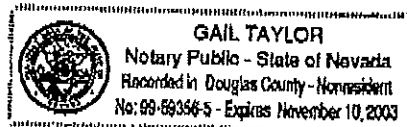
I, GERALD R. NOVOTNY, being first duly sworn, depose and say that I now own and have owned that real property set out in the attached, incorporated EXHIBIT "A" since 1980. At that time, the water allowed under the Eagle Creek water rights listed in the accompanying APPLICATION FOR WATER RIGHTS TRANSFER was being diverted from the point to which I am seeking a change of diversion. In other words, I am seeking a change of diversion to the point at which the water has been continually diverted since I have owned the property, approximately 20 years. At the time I purchased the property, the water represented by the Eagle Creek water right was diverted from that point, and it has continually been diverted from that point. I am informed and believe that this point of diversion has been used to divert the Eagle Creek water for an extended time prior to when I purchased it. In other words, the water represented by the Eagle Creek water right has historically been diverted from the point to which I am seeking a change of diversion.

IN WITNESS WHEREOF, I hereunto set my hand this 5 day of Sept, 2000.

Gerald R. Novotny  
GERALD R. NOVOTNY

Subscribed and sworn to before me this 5 day of September, 2000.

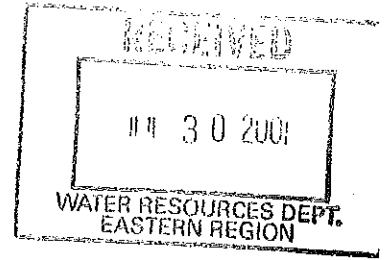
Gail Taylor  
NOTARY PUBLIC FOR NEVADA  
My Commission Expires: 11-10-03



RECEIVED

DEC 06 2023

OWRD



Tuesday, July 17, 2001

Ms. Carrie Jones  
Well Inspector, Technical, Field Services  
Oregon Water Resources Department  
1995 3rd Street  
Baker City, OR 97814

Dear Carrie,

Attached is the notarized "Proof of Service" document that you requested.

Yours truly,

A handwritten signature in cursive script, appearing to read "Gerald R. Novotny, Sr.".

Gerald R. Novotny, Sr.  
Manager

RECEIVED

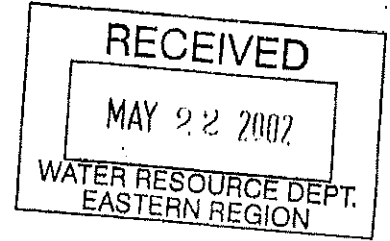
DEC 06 2023

OWRD

*Daly Creek Ranch LLC*  
*PO Box 859*  
*Zephyr Cove, NV 89448*  
*GRNovotny@VersatileBusiness.com*

*(775) 749-9166 (Telephone)*  
*(425) 871-1235 (Facsimile)*

IN THE MATTER OF  
TRANSFER APPLICATION  
8828



AFFIDAVIT

STATE OF OREGON        )  
                                  )S.S.  
COUNTY OF BAKER     )

We, Idaho Power Corp., being duly sworn, do depose and say as follows:

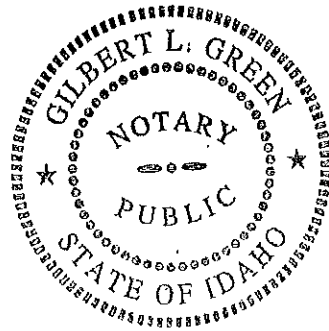
1. Are the owner(s) of the property described as the land denominated as freeboard land and lying between the 2085 feet contour elevation, U.S.G.S. datum, and the pool elevation which normally will be the 2077 foot contour elevation, U.S.G.S. datum. Sections 30 and 31, Township 9 South, Range 46 East and Sections 36 Township 9 South Range 45 East.
2. Have reviewed the location of the proposed point of diversion to reflect historical use in Transfer Application 8828 and have no objections.

DATED May 20, 2002

Roy Hillman  
(NAME PRINTED)

Roy Hillman  
(NAME SIGNED)

Subscribed and sworn before me this 20<sup>th</sup> day of May, 2002.



Stacy Green  
(Notary Public for the State of Oregon - Idaho)  
Residing at Boise, Idaho  
My Commission Expires Dec 16, 2003

RECEIVED

DEC 06 2023

OWRD

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **45598**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

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

RECEIVED FROM: Gerald Novotny SR  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T 8828

CASH:  CHECK: #  11-35 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1100.00

**0417 WRD MISC CASH ACCT**

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

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER #	

**0427 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
(New) TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$ 1,100.00	0204 \$
<b>WELL CONSTRUCTION</b>		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**

0233	POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HRDRO APPLICATION		\$

RECEIPT # **45598**

DATED: 06/04/01 BY: C. Danner

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

RECEIVED

DEC 06 2003

OWRD

RECEIVED

DEC 06 2023

OWRD

FAX 523-7866

Oregon Department of Fish and Wildlife  
Transfer Comment Form

Reference: Transfer # 8828

We have reviewed the application for transfer and provide the following comments:

Please check one of the boxes related to potential injury to water rights.

There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.

We believe that the transfer would injure the instream or other water right(s) on \_\_\_\_\_, tributary to \_\_\_\_\_. The nature of the injury is as follows: \_\_\_\_\_

(Please attach any available supporting information.)

Please check one of the boxes related to requiring a fish screen or by-pass device.

- Pursuant to ORS 540.525 or 540.532, a condition should be included in any order approving the transfer to require the installation of a fish screen or by-pass device to prevent fish from leaving (source) and entering the diversion. The existing point of diversion is:
  - Equipped with an appropriate fish screening or by-pass device; or
  - Included on the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989.

The applicant should contact the following person to obtain additional information on the plans and specifications for the required fish screen or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices:

ODFW staff name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_

A fish screen or by-pass device should not be required as a condition of approval of the transfer. *change in* We are currently working with Mr. Novotny to screen diversions. This diversion will not in itself increase risk to fish, but we would eventually like to have it screened, as well as others on the property.

Signature: Tom Walters  
Printed Name: Tom Walters  
Title: ARS-2 (Assistant District Fish Bio)

Please return this form to CARRIE JONES, Water Resources Department, 1995 THIRD ST SUITE 180, BAKER CITY OR 97814-3333 by July 15, 2001.

→ According to the map, the new point of diversion is on an existing ditch. Therefore, screening would not be appropriate there. Screening would be more appropriate on the stream.

RECEIVED

DEC 06 2023

OWRD

FAX 523-786

Oregon Department of Fish and Wildlife  
Transfer Comment Form

Reference: Transfer # 8828

We have reviewed the application for transfer and provide the following comments:

Please check one of the boxes related to potential injury to water rights.

There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.

We believe that the transfer would injure the instream or other water right(s) on \_\_\_\_\_, tributary to \_\_\_\_\_. The nature of the injury is as follows: \_\_\_\_\_

(Please attach any available supporting information.)

Please check one of the boxes related to requiring a fish screen or by-pass device.

- Pursuant to ORS 540.525 or 540.532, a condition should be included in any order approving the transfer to require the installation of a fish screen or by-pass device to prevent fish from leaving (source) and entering the diversion. The existing point of diversion is:
  - Equipped with an appropriate fish screening or by-pass device; or
  - Included on the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989.

The applicant should contact the following person to obtain additional information on the plans and specifications for the required fish screen or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices:

ODFW staff name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_

A fish screen or by-pass device should not be required as a condition of approval of the transfer. We are currently working with Mr. Novotny to screen diversions. This diversion will not in itself increase risk to fish, but we would eventually like to have it screened, as well as others on the property.

Signature: Tom Walters  
Printed Name: Tom Walters  
Title: NRS-2 (Assistant District Fish Bio)

Please return this form to CARRIE JONES, Water Resources Department, 1995 THIRD ST SUITE 180, BAKER CITY OR 97814-3333 by July 15, 2001.

According to the map, the new point of diversion is on an existing ditch. Therefore, screening would not be appropriate there. Screening would...