

2582 Clyde Ward  
1500 "H" Street  
Baker, Ore. 97814

2582

### STATUS OF APPLICATION

Change in Point of Diversion  
Date filed November 8, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order April 11, 1972 Vol. 22, page 2  
Date for application of water 10-1-73  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued 11-3-72 Vol. 30, page 38654  
2-4-75 33 41593

Survey 1-22-73

### DESCRIPTION OF WATER RIGHT

Name of stream Powder River  
Trib. of — County of Baker  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 200<sup>00</sup>  
Name of ditch Old Settlers Slough  
Date of priority 1899  
In name of T.N. Proffitt  
Powder River Adjudication, Vol. 6, page 436  
App. No. — Per. No. — Cert. No. 4426  
Certificate cancelled \_\_\_\_\_  
Notation made on record by slw

### FEES PAID

Date	Amount	Receipt No.
<u>11-8-71</u>	<u>25.00</u>	<u>26033</u>
<u>11-8-71</u>	<u>10.50</u>	<u>26034</u>
<u>2-16-72</u>	<u>19.50</u>	<u>27235</u>
TOTAL	<u>\$3.00</u>	
<u>3-8-72</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. Notice</u>

### FEES REFUNDED

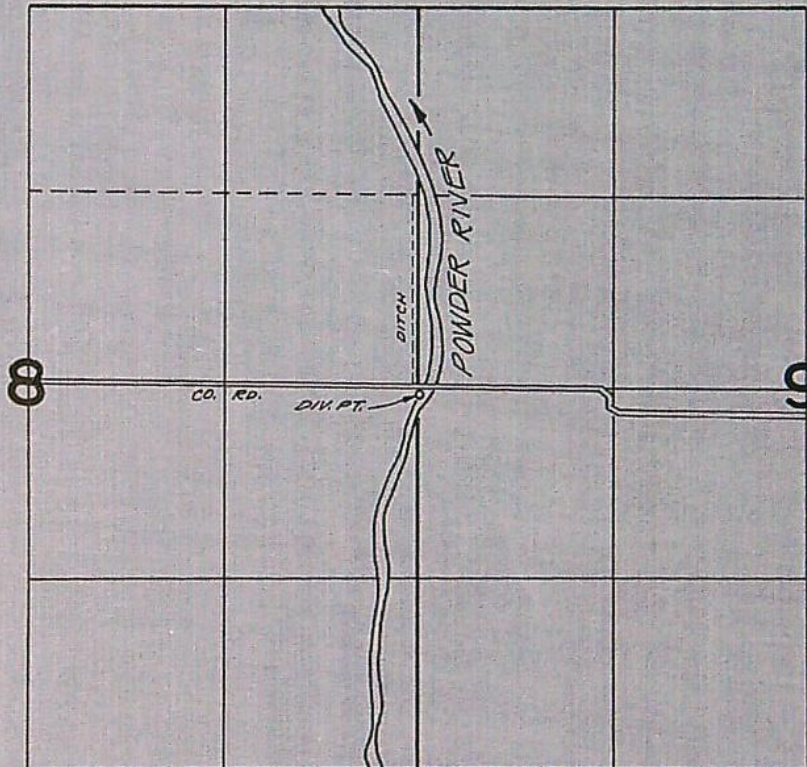
Date	Amount	Check No.
<u>3-8-72</u>	<u>\$4.60</u>	<u>Pub. Notice 4610</u>

### REMARKS

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>st</u>	<u>—</u>
<input checked="" type="checkbox"/>	Stream	<u>st</u>	<u>—</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>—</u>	<u>—</u>
<input checked="" type="checkbox"/>	Calendar	<u>—</u>	<u>—</u>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>WAC</u>	<u>—</u>
<input checked="" type="checkbox"/>	Decree-vault	<u>WAC</u>	<u>—</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>WAC</u>	<u>—</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WAC</u>	<u>—</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>—</u>	<u>—</u>
<input checked="" type="checkbox"/>	Chainindex	<u>—</u>	<u>—</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>—</u>	<u>—</u>
<input checked="" type="checkbox"/>	Power Claim	<u>—</u>	<u>—</u>
<input checked="" type="checkbox"/>	Abstracts	<u>—</u>	<u>—</u>



T.9S. R.40E. W.M.



DIV. PT. LOCATED 50' S., 20' E. FROM W 1/4 COR. SEC. 9

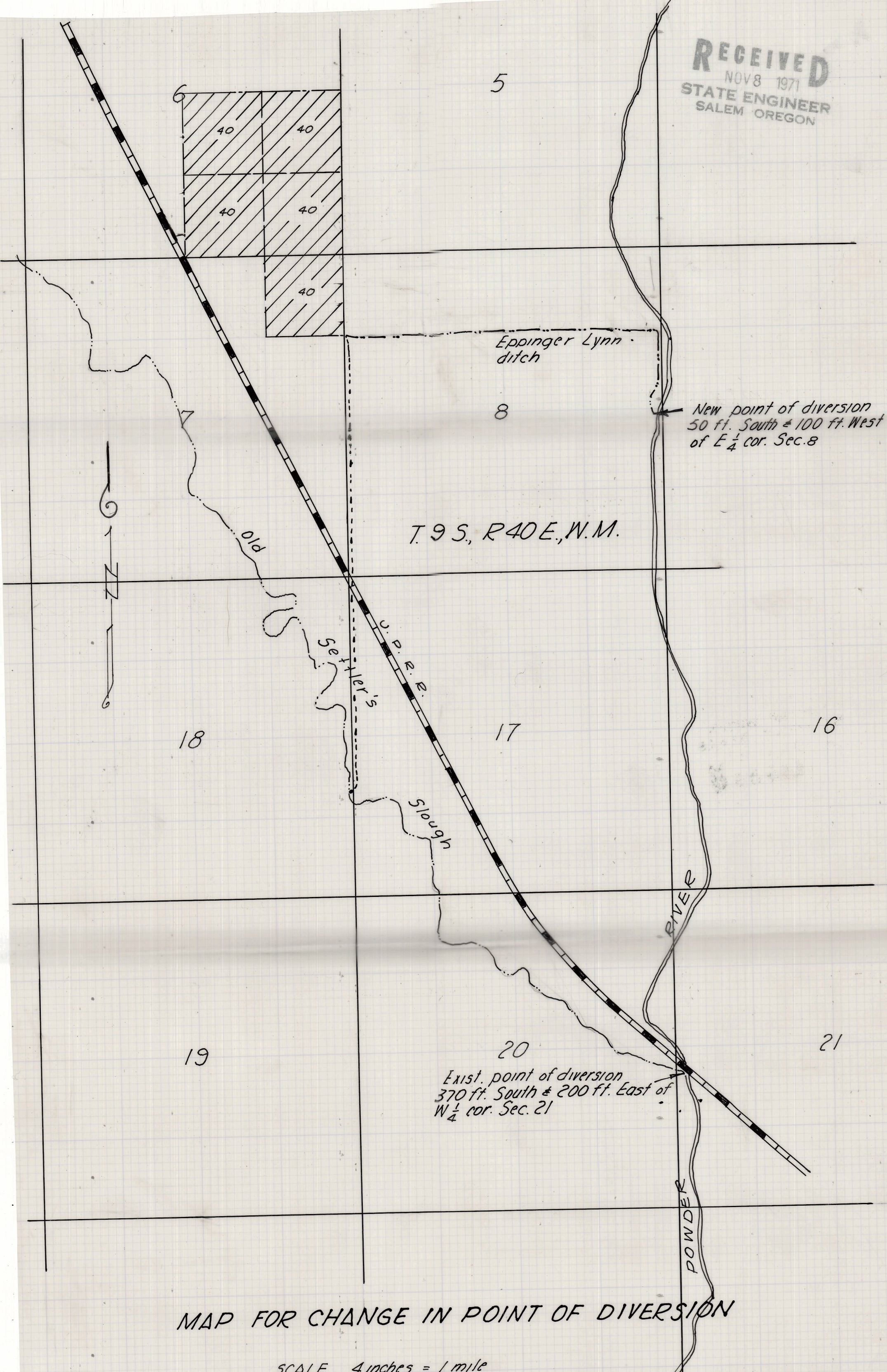
**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 2582  
Application No. .... Permit No. ....  
IN NAME OF  
**CLYDE WARD**

Surveyed OCT 29 1974, by L.M. TOLL



RECEIVED  
NOV 8 1971  
STATE ENGINEER  
SALEM OREGON



MAP FOR CHANGE IN POINT OF DIVERSION

SCALE 4 inches = 1 mile  
CLYDE WARD, APPLICANT



## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That T. N. PROFITT

of Baker, 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 239.0 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 ENGINEER, in Volume 6, at page 291; that the priority of the right thereby  
confirmed dates from 1893 for 80.0 acres  
1899 for 159.0 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.

The point of diversion is located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 21, T. 9 S., R. 40 E., W.M.  
370' S. and 200' E. from W  $\frac{1}{4}$  corner of Section 21

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

40.0 acres in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
40.0 acres in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
40.0 acres in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
40.0 acres in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
Section 6

37.3 acres in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
6.7 acres in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
35.0 acres in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
Section 7

Township 9 South, Range 40 East, W.M.

Certificate of water right issued to T. N. Profitt and recorded at page 4426,  
Volume 5, State Record of Water Right Certificates, confirms the right to the use  
of water for irrigation of 439.0 acres. A change in point of diversion for the  
right to the use of water appurtenant to 200.0 acres was approved by order of the  
State Engineer entered April 11, 1972. This certificate is issued to confirm the  
remaining right to the use of water for irrigation and supersedes the certificate  
heretofore issued to T. N. Profitt.

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 date November 3, 1972.

CHRIS L. WHEELER  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38654



## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That CLYDE WARD

of 1500 H Street, Baker, State of Oregon, 97814, has a right  
to the use of the waters of  
Powder River

a tributary of Snake River for the purpose of  
irrigation of 200.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Baker County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 6, at page 291; that the priority of the right thereby  
confirmed dates from 1899

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-fortieth of one  
cubic foot per second per acre, and shall be subject to all other conditions and  
limitations contained in said decree.

The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, T. 9 S., R. 40 E., W. M.,  
50 feet South and 20 feet East from W $\frac{1}{2}$  Corner, Section 9.

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

40.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
40.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
40.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
40.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 6

40.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 7  
T. 9 S., R. 40 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an  
order of the State Engineer entered April 11, 1972, and together with the certificate  
recorded at page 38654, Volume 30, supersedes certificate of water right issued to  
T. N. Profit and recorded at page 4426, Volume 5, State Record of Water Right  
Certificates.

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 date February 4, 1975.

.....Chris L. Wheeler.....  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41593



Supervised by

Cert. No.

38654

## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This is to Certify, That

Clyde Ward

T. N. PROFITT

Baker, State of Oregon 97814 has a right to the use of  
 of 1300 H St., Powder River, tributary of Snake River  
 the waters of  
 for the purpose of the irrigation of 200 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 1893 for 80 acres and 1899

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 — NW 1/4 SW 1/4 Sec 9, T 9 S R 40 E WM

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:  
~~40 acres in the Southwest quarter of Northeast quarter; 40 acres in the~~  
~~Southeast quarter of Northeast quarter; 40 acres in the Northeast quarter of~~  
~~Southwest quarter; 40 acres in the Southeast quarter of Southwest quarter;~~  
~~40 acres in the Northeast quarter of Southeast quarter; 40 acres in the North-~~  
~~west quarter of Southeast quarter; 40 acres in the Southeast quarter of South-~~  
~~east quarter and 40 acres in the Southwest quarter of Southeast quarter of~~  
~~Section Six: 40 acres in the Northeast quarter of Northeast quarter; 57.5~~  
~~acres in the Northwest quarter of Northeast quarter; 6.7 acres in the Southwest~~  
~~quarter of Northeast quarter and 35 acres in the Southeast quarter of Northeast~~  
~~quarter of Section Seven, Township Nine South, Range Forty East of Willamette~~  
~~Meridian, in Baker County, Oregon;~~

Ch. H. of Div. of 200.0 acres  
 Sp. Or. Vol. 22, p. 2

40 NE 1/4 SE 1/4  
 40 NW 1/4 SE 1/4  
 40 SW 1/4 SE 1/4  
 40 SE 1/4 SE 1/4  
 Sec 6

40.0 NE 1/4 NE 1/4  
 Sec 7  
 T 9 S R 40 E WM

This certificate is issued to confirm a change in Pt. of Div. approved by an order  
 of the State Engineer entered April 11, 1972, and superseded certificate of water  
 right issued to T. N. Profitt and recorded at page 4426, Volume 5,  
 State Record of Water Right Certificates.

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume

page 4426



## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This is to Certify, That

T. N. PROFITT

of Baker

, State of

Oregon

has a right to the use of

the waters of Powder River, tributary of Snake River

for the purpose of

the irrigation of <sup>239</sup>~~439~~ 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 ~~1893 for 80 acres and 1899~~1893 for 80.0 acres  
1899 for 159.0 acresthat 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:

40 acres in the Southwest quarter of Northeast quarter; 40 acres in the Southeast quarter of Northeast quarter; 40 acres in the Northeast quarter of Southwest quarter; 40 acres in the Southeast quarter of Southwest quarter; ~~40 acres in the Northeast quarter of Southeast quarter; 40 acres in the Northwest quarter of Southeast quarter; 40 acres in the Southeast quarter of Southeast quarter and 40 acres in the Southwest quarter of Southeast quarter of~~  
 Section Six: ~~40 acres in the Northeast quarter of Northeast quarter; 37.3~~  
 acres in the Northwest quarter of Northeast quarter; 6.7 acres in the Southwest quarter of Northeast quarter and 35 acres in the Southeast quarter of Northeast quarter of Section Seven, Township Nine South, Range Forty East of Willamette Meridian, in Baker County, Oregon;

40 acres Southwest  
40 - SE

(use standard listing)

[Ch. Pl. of Div. of 200. acres]

Certificate of water right issued to T.N. Profitt and recorded at page 4426, Volume 5, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 439 acres. <sup>A change in point of diversion</sup> ~~Subsequently~~ the right to the use of water appurtenant to 200 acres was <sup>approved</sup> ~~canceled~~ by order of the State Engineer entered April 11, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to TN Profitt.

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume

, page 4426



BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF CLYDE WARD FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM POWDER RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2582

On November 8, 1971, Clyde Ward filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1919, In the Matter of the Determination of the Relative Rights to the use of the waters of Powder River and its Tributaries, a water right was established in the name of T. N. Profitt for the use of the waters of Powder River for the irrigation of, among other lands, 40.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, and 40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 9 South, Range 40 East, W.M., with a date of priority of 1899. This right is evidenced by certificate recorded at page 4426, Volume 5, State Record of Water Right Certificates. These lands are irrigated by means of the Old Settler's Slough from a point of diversion located 370 feet South and 200 feet East from the West  $\frac{1}{4}$  corner of Section 21, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 9 South, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Eppinger Lynn Ditch from a point of diversion to be located 50 feet South and 100 feet West from the East  $\frac{1}{4}$  corner of Section 8, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, Township 9 South, Range 40 East, W.M.



Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Baker, Oregon, on April 10, 1972, at 9:30 a.m. The notice was published in The Record-Courier, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of February 17, 24 and March 2, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. George M. Ward, Watermaster of District No. 8, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Powder River, to-wit:

From a point located 370 feet South and 200 feet East from the West  $\frac{1}{4}$  corner of Section 21, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 9 South, Range 40 East, W.M.

To a point to be located 50 feet South and 100 feet West from the East  $\frac{1}{4}$  corner of Section 8, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , of Section 8, Township 9 South, Range 40 East, W.M.

for the irrigation of 40.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 40.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 6, and 40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, Township 9 South, Range 40 East, W.M., with a date of priority of 1899, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1973.



It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1/40 of one cubic foot per second of water per acre irrigated.

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

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

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

It is FURTHER ORDERED that certificate of water right heretofore issued to T. N. Profitt and recorded at page 4426, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Clyde Ward confirming said change in point of diversion.

Dated at Salem, Oregon, this 11th day of April, 1972.

/s/ CHRIS L. WHEELER  
State Engineer



RECEIVED  
MAR 8 1972

STATE ENGINEER  
SALEM OREGON

AFFIDAVIT OF PUBLICATION

NOTICE OF FILING  
APPLICATION FOR A CHANGE  
IN POINT OF DIVERSION  
OF WATER

Notice is given hereby that Clyde Ward has filed an application for the approval of a change in points of diversion of water from Powder River.

In the Powder River Adjudication proceedings, a water right was established in the name of T. N. Proffitt for the use of the waters of Powder River for the irrigation of, among other lands, 40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 40.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and 40.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 6, and 4000 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 7, T. 9 S., R. 40 E., W.M., with a date of priority of 1899. These lands are irrigated by means of the Old Settler's Slough from a point of diversion located 370 ft. S. and 200 ft. E. from the W $\frac{1}{4}$  corner of Sec. 21 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 21, T. 9 S., R. 40 E., W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of the Eppinger Lynn Ditch from a point of diversion to be located 50 ft. S. and 100 ft. W. from the E $\frac{1}{4}$  corner of Sec. 8 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 8, T. 9 S., R. 40 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on April 10, 1972, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Clyde Ward, 1500 "H" Street, Baker, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 10th day of February, 1972.

CHRIS L. WHEELER  
(7-9) State Engineer

State of Oregon, County of Baker, ss.

I, Byron C. Brinton, being first duly sworn, depose and say that I am the Owner - printer of The Record-Courier, which is a weekly newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17 $\frac{3}{4}$  inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Notice of Filing Application of Change In Point of Diversion of Water

and has more than 200 bona fide subscribers within said county; that the Notice of Filing Application of Change In Point of Diversion of Water of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper and not in any supplement thereof, once each week for 3 successive and consecutive weeks, being published 3 times, commencing with the issue dated the 17<sup>th</sup> day of February, 1972, and ending with the issue dated the 2<sup>nd</sup> day of March, 1972.

That the amount of charge actually made and to be collected by such newspaper for such publication is \$ 22.40.

Byron C. Brinton

Subscribed and sworn to before me this 3<sup>rd</sup> day of March, 1972.

Barbara Lee Sherman  
Notary Public for Oregon.

My commission expires June 2, 1973.

