

3688

## STATUS OF APPLICATION

Change in POU & POD  
 Date filed 5-27-77  
 Date of hearing Feb 8, 1978  
 Place of hearing Baker  
 Date of order 2-9-78 Vol. 30, page 400  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued MAY 19 1978 Vol. 38, page 87883  
MAR 01 2013  
APR 18 2013

## DESCRIPTION OF WATER RIGHT

Name of stream Rock Creek  
 Trib. of Powder Riv. County of Baker  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
Powder Riv. Adjudication, Vol. 6, page 380  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 4110  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>5-27-77</u>	<u>\$ 50.00</u>	<u>60848</u>
<u>12-5-77</u>	<u>50.00</u>	<u>52</u>
TOTAL . . .		
<u>1/26/78</u>	<u>\$ 2 Cert. Fee</u>	<u>Transf from 60848</u>
<u>The Democrat-Herald \$40.00 1/26/78 ck # 1940</u>		

## FEES REFUNDED

Date	Amount	Check No.
<u>1/26/78</u>	<u>\$ 9.02</u>	<u>1941</u>
Exam	20	
POD	15	
POU	14	
Cert	2	
	51-	
PON	40	
	91-	

## REMARKS

CARD FORM DEC 26 1979

INDEX CARDS: Entered Checked

✓	Name	<u>lg</u>	
✓	Stream	<u>lg</u>	
✓	Pl. of Div.		
✓	Calendar	<u>lg</u>	
✓	Typ. & Rep.	<u>lg</u>	
✓	Deeds - mult	<u>lg</u>	
✓	Deeds - sale	<u>lg</u>	
✓	Cert. of W/R	<u>lg</u>	
✓	Pat. holder		
✓	Chabitez		
✓	Grass Rd.		
✓	Power Claim		
✓	Abstracts	<u>lg</u>	

## STATE OF OREGON

## COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

PEARL L STEWARD  
7024 N JERSEY  
PORTLAND OR 97203

confirms the right to use the waters of ROCK CREEK, tributary to POWDER RIVER for IRRIGATION of 75.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER 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 1868 for 40 acres, 1882 for 23 acres, and 1904 for 12 acres. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1/40 of one cubic foot per second per acre measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	33	NE SE	MCCOLLOUGH DITCH - 1670 FEET NORTH & 200 FEET WEST FROM SE CORNER, SECTION 33
7 S	38 E	WM	33	NW SE	WILCOX DITCH - 1580 FEET NORTH & 1430 FEET WEST FROM SE CORNER, SECTION 33

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date	Ditch Name
7 S	38 E	WM	34	SW SE	28.0	1868	McCollough Ditch
7 S	38 E	WM	34	SW SE	12.0	1904	McCollough Ditch
7 S	38 E	WM	34	SE SE	12.0	1868	McCollough Ditch
7 S	38 E	WM	34	SE SE	23.0	1882	Wilcox Ditch

The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Priority Date	Measured Distances
7 S	38 E	WM	34	NW SW	1868	DELONG AND BROWN DITCH - 1790 FEET NORTH AND 230 FEET EAST FROM SW CORNER, SECTION 34
7 S	38 E	WM	33	NW SE	1882 1904	CHAMBERS DITCH - 1542 FEET NORTH AND 1732 FEET WEST FROM SE CORNER, SECTION 33

## NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

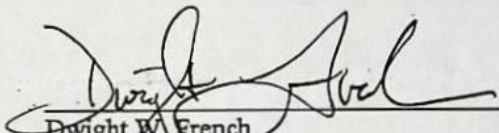
The water user shall maintain the in-line flow meters, weirs, or other suitable measuring devices for measuring the water to which the user is entitled.

This certificate is issued to confirm changes in PLACE OF USE and POINTS of DIVERSION approved by an order of the Water Resources Director entered February 9, 1978, at Special Order Volume 30, Page 400, approving Transfer Application 3688, and together with Certificate 45595, supersedes Certificate 4110, State record of Water Right Certificates.

This right is subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued MAR 01 2013.

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

## STATE OF OREGON

## COUNTY OF BAKER

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The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	33	NE SE	MCCOLLOUGH DITCH - 1670 FEET NORTH & 200 FEET WEST FROM SE CORNER, SECTION 33
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A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date	Ditch Name
7 S	38 E	WM	34	SW SE	28.0	1868	McCollough Ditch
7 S	38 E	WM	34	SW SE	12.0	1904	Wilcox Ditch
7 S	38 E	WM	34	SE SE	12.0	1868	McCollough Ditch
7 S	38 E	WM	34	SE SE	23.0	1882	McCollough Ditch

The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Priority Date	Measured Distances
7 S	38 E	WM	34	NW SW	1868	DELONG AND BROWN DITCH - 1790 FEET NORTH AND 230 FEET EAST FROM SW CORNER, SECTION 34
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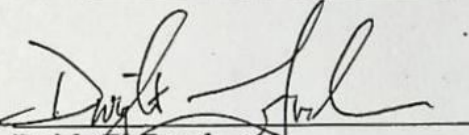
The water user shall maintain the in-line flow meters, weirs, or other suitable measuring devices for measuring the water to which the user is entitled.

This certificate is issued to correct a scrivener's error in the lands served by the ditches and supersedes Certificate 87883.

This right is subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued APR 18 2013



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

## STATE OF OREGON

## COUNTY OF BAKER

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The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date	Ditch Name
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7 S	38 E	WM	34	SE SE	12.0	1868	McCullough Ditch
7 S	38 E	WM	34	SE SE	23.0	1882	Wilcox Ditch

The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Priority Date	Measured Distances
7 S	38 E	WM	34	NW SW	1868	DELONG AND BROWN DITCH - 1790 FEET NORTH AND 230 FEET EAST FROM SW CORNER, SECTION 34
7 S	38 E	WM	33	NW SE	1882 1904	CHAMBERS DITCH - 1542 FEET NORTH AND 1732 FEET WEST FROM SE CORNER, SECTION 33

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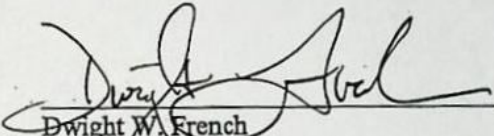
The water user shall maintain the in-line flow meters, weirs, or other suitable measuring devices for measuring the water to which the user is entitled.

This certificate is issued to confirm changes in PLACE OF USE and POINTS of DIVERSION approved by an order of the Water Resources Director entered February 9, 1978, at Special Order Volume 30, Page 400, approving Transfer Application 3688, and together with Certificate 45595, supersedes Certificate 4110, State record of Water Right Certificates.

This right is subject to all other conditions and limitations contained in said decree.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued MAR 01 2013.

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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF PEARL L. STEWARD FOR APPROVAL )  
OF CHANGES IN PLACE OF USE AND )  
POINT OF DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3688

On May 27, 1977, an application was filed in the office of the Water Resources Director by Pearl L. Steward for approval of changes in place of use and point of diversion from Rock Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4110, Volume 5, State Record of Water Right Certificates, in the name of Andy DeLong, describes a right which includes the use of not to exceed 1.875 cubic feet per second from Rock Creek for irrigation of 5.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 35.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , with a date of priority of 1868; 23.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , with a date of priority of 1882; and 12.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , with a date of priority of 1904, all in Section 34, Township 7 South, Range 38 East, W.M.

Water for said right with a date of priority of 1868 is diverted, through the DeLong and Brown Ditch, from a point located 1815 feet North and 289 feet East from the Southwest Corner of Section 34, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, Township 7 South, Range 38 East, W.M. Water for said right with dates of priority of 1882 and 1904 is diverted, through the Chambers Ditch, from a point located 1542 feet North and 1732 feet West from the Southeast Corner of Section 33, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, Township 7 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 23.0 acres in said SE $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1868, without loss of priority, to 23.0 acres in said SW $\frac{1}{4}$  SE $\frac{1}{4}$  and to transfer the water right appurtenant to said 23.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  with a date of priority of 1882, without loss of priority, to said 23.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  to accomplish an exchange of priorities between the said two tracts.

The applicant also proposes to change from the above described points of diversion and, without loss of priority, to irrigate a certain 28.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 12.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, with a priority date of 1868, and a certain 23.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, with a date of priority of 1882,

through the McCollough Ditch from a point of diversion located 1700 feet North and 224 feet West from the Southeast Corner of Section 33, Township 7 South, Range 38 East, W.M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 33; and to irrigate a certain 12.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, with a priority date of 1904, through the Wilcox Ditch from a point of diversion located 1608 feet North and 1444 feet West from the said Southeast Corner of Section 33, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33.

Notice of the application, pursuant to ORS 540.510, was published in the Baker Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of December 14, 21 and 28, 1977.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right, and shall not exceed 1.875 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points 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;

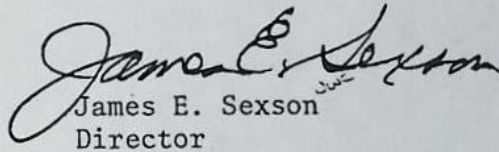
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Andy DeLong and recorded at page 4110, Volume 5, State Record of Water Right

Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 9th day of February, 1978.

  
James E. Sexson  
Director

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That ANDY DeLONG

of Haines, State of Oregon has a right to the use of  
the waters of Rock Creek, a tributary of Powder River  
for the purpose of the irrigation of 154 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 1868 for 119 acres; 1882 for  
23 acres and 1904 for 12 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 appur-  
tenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:  
40 acres in the Northeast quarter of Southeast quarter; 34 acres in the  
Northwest quarter of Southeast quarter; 5 acres in the Southwest quarter of  
Southeast quarter; 40 acres in the Southeast quarter of Southeast quarter and  
35 acres in the Southwest quarter of Southeast quarter of Section Thirty-four,  
Township Seven South, Range Thirty-eight 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 PERCY A. CUPPER  
State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4110.

7-3068

## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ANDY DELONG

of Haines  
a right to the use of the waters of Rock Creek, State of Oregon, 97833, has

a tributary of Powder River for the purpose of  
the irrigation of 79.0 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 WATER RESOURCES DIRECTOR, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1868

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

The point of diversion is located in the

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 $\frac{1}{4}$

34.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$

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

Section 34

T. 7 S., R. 38 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4110, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on February 9, 1978, approving transfer application No. 3688.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 Water Resources Director, affixed

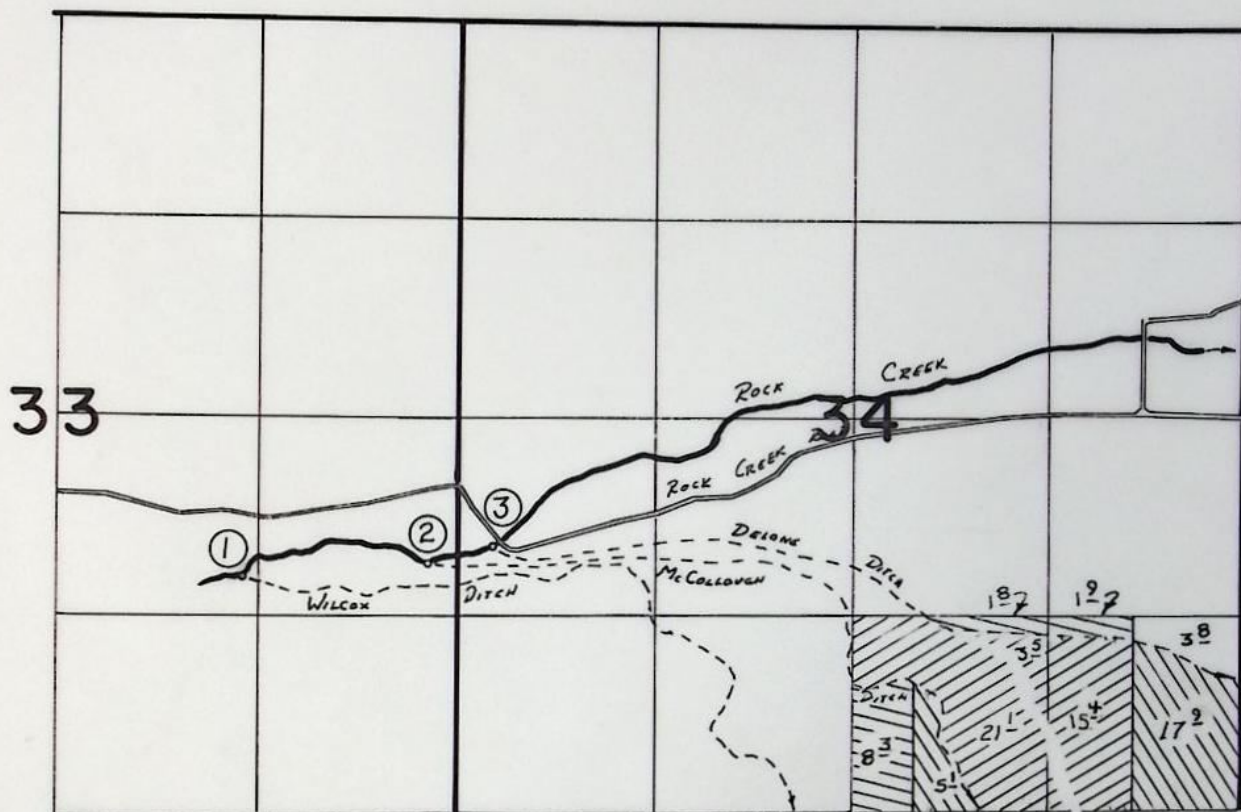
this date May 19, 1978.

*James E. Sisson*  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 45595

Superseded  
1/9/2013

T. 7S., R. 38E., W.M.



1. WILCOX DITCH DIV. PT. LOC: 1580'N. & 1430'W. FROM SE CORNER SECTION 33
2. MCCOLLOUGH DITCH DIV. PT. LOC: 1670'N. & 200'W. FROM SE CORNER SECTION 33
3. DELOUG DITCH DIV. PT. LOC: 1790'N. & 230'E. FROM SW CORNER SECTION 34

**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 3688**

IN NAME OF

**BILL & MARY DETHLOFF**

Surveyed **8-5-1983**, by **V.L. Church**

	1882
	1868
	1904

SCALE: 1" = 1320'

NOT WATER  
RIGHT TRANSFER  
APPLICATION

NO. 3688

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Pearl L. Steward which includes a request for approval of changes in place of use and point of diversion from Rock Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4110, Volume 5, State Record of Water Right Certificates, in the name of Andy DeLong, describes a right which includes the use of water from Rock Creek for irrigation of a certain 23.0 acres in SW 1/4 SE 1/4 of Sec 34, T 7 S, R 38 E, WM, with a date of priority of 1882.

Water for the said right is diverted, through the Chambers Ditch, from a point located 1540 ft N and 1730 ft W from the SE Corner of Sec 33, being within the NW 1/4 SE 1/4 of Sec 33, T 7 S, R 38 E, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 23.0 acres in SE 1/4 SE 1/4 of Sec 34, from a point of diversion located 1774 ft N and 120 ft E from the SW Corner of Sec 34, being within the NW 1/4 SW 1/4 of Sec 34, T 7 S, R 38 E, WM (McCollough Ditch).

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on February 8, 1978, at 9:30 a.m. All objections to the proposed changes, 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 Pearl L. Steward, 7024 N. Jersey St., Portland, OR 97203 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 7th day of December, 1977.

James E. Sexson  
Director

Legal No. 176  
Publish Dec. 14, 21 and 28, 1977

## AFFIDAVIT OF PUBLICATION

Baker, Oregon, December 31, 19 77

STATE OF OREGON,  
County of Baker

ss.

I, Barbara Dagelis

, being first duly sworn, depose and say that I am the Principal Clerk of the Baker Democrat-Herald which is a Daily (except Sunday) 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 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 Legal Advertisement # 176 Notice of Water right trans.

, and has more than 200 bona fide subscribers within said county; that the Legal Advertisement

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 three successive and consecutive weeks being published three times commencing with the issue dated the

14th day of December, 19, 77, and ending with the issue dated the 28th day of December, 19, 77, and that the dates of publication were

December 14, 1977, December 21, 1977, December 28, 1977

Barbara Dagelis

Subscribed and sworn to before me this 31st  
day of December, 19 77

Phyllis Page  
Notary Public for Oregon.

My commission expires September 8, 1978, 19 78



OK  
JCB